



Rep. Frank J. Mautino

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1 AMENDMENT TO SENATE BILL 1566

2 AMENDMENT NO. _____. Amend Senate Bill 1566 by replacing
3 everything after the enacting clause with the following:

4 "ARTICLE 90.

5 Section 90-5. The Department of Natural Resources Act is
6 amended by adding Section 20-15 as follows:

7 (20 ILCS 801/20-15 new)

8 Sec. 20-15. Entrance fee. The Department may set by
9 administrative rule an entrance fee for visitors to the
10 Illinois State Museum. The fee assessed by this Section shall
11 be deposited into the Illinois State Museum Fund for the
12 Department to use to support the Illinois State Museum. The
13 monies deposited into the Illinois State Museum Fund under this
14 Section shall not be subject to administrative charges or
15 chargebacks unless otherwise authorized by this Act.

1 Section 90-10. The Department of Natural Resources
2 (Conservation) Law of the Civil Administrative Code of Illinois
3 is amended by changing Sections 805-70, 805-335, 805-420, and
4 805-435 and by adding Sections 805-555 and 805-560 as follows:

5 (20 ILCS 805/805-70) (was 20 ILCS 805/63b2.9)

6 Sec. 805-70. Grants and contracts.

7 (a) The Department has the power to accept, receive,
8 expend, and administer, including by grant, agreement, or
9 contract, those funds that are made available to the Department
10 from the federal government and other public and private
11 sources in the exercise of its statutory powers and duties.

12 (b) The Department may make grants to other State agencies,
13 universities, not-for-profit organizations, and local
14 governments, pursuant to an appropriation in the exercise of
15 its statutory powers and duties.

16 (c) With the exception of Open Space Lands Acquisition and
17 Development and Land and Water Conservation Fund grants, the
18 Department may assess review and processing fees for grant
19 program applications under the jurisdiction of the Department.
20 The Department may, by rule, regulate the fees, methods, and
21 programs to be charged. The income collected shall be deposited
22 into the Park and Conservation Fund for the furtherance of the
23 Department grant programs or for use by the Department for the
24 ordinary and contingent expenses of the Department.

1 Except as otherwise provided, all revenue collected from
2 the application fee for the State Migratory Waterfowl Stamp
3 Fund shall be deposited into the State Migratory Waterfowl
4 Stamp Fund.

5 Except as otherwise provided, all revenue collected from
6 the application fee for the State Pheasant Fund shall be
7 deposited into the State Pheasant Fund.

8 Except as otherwise provided, all revenue collected from
9 the application fee for the Illinois Habitat Fund shall be
10 deposited into the Illinois Habitat Fund.

11 Except as otherwise provided, all revenue collected from
12 the application fee for the State Furbearer Fund shall be
13 deposited into the State Furbearer Fund.

14 The monies deposited into the Park and Conservation Fund,
15 the State Migratory Waterfowl Stamp Fund, the State Pheasant
16 Fund, the Illinois Habitat Fund, and the State Furbearer Fund
17 under this Section shall not be subject to administrative
18 charges or chargebacks unless otherwise authorized by this Act.

19 (Source: P.A. 90-490, eff. 8-17-97; 91-239, eff. 1-1-00.)

20 (20 ILCS 805/805-335)

21 Sec. 805-335. Fees. The Department has the power to assess
22 appropriate and reasonable fees for the use of concession type
23 facilities as well as other facilities and sites under the
24 jurisdiction of the Department, including, but not limited to,
25 beaches, bike trails, equestrian trails, and other types of

1 trails. The Department may regulate, by rule, the fees to be
2 charged. The income collected shall be deposited into the State
3 Parks Fund or Wildlife and Fish Fund depending on the
4 classification of the State managed facility involved. The
5 monies deposited into the State Parks Fund or the Wildlife and
6 Fish Fund under this Section shall not be subject to
7 administrative charges or chargebacks unless otherwise
8 authorized by this Act.

9 (Source P.A.: 90-655, eff. 7-30-98; 91-239, eff. 1-1-00.)

10 (20 ILCS 805/805-420) (was 20 ILCS 805/63a36)

11 Sec. 805-420. Appropriations from Park and Conservation
12 Fund. The Department has the power to expend monies
13 appropriated to the Department from the Park and Conservation
14 Fund in the State treasury for conservation and park purposes.

15 Eighty percent of the ~~All~~ revenue derived from fees paid
16 for certificates of title, duplicate certificates of title and
17 corrected certificates of title and deposited in the Park and
18 Conservation Fund, as provided for in Section 2-119 of the
19 Illinois Vehicle Code, shall be expended solely by the
20 Department pursuant to an appropriation for acquisition,
21 development, and maintenance of bike paths, including grants
22 for the acquisition and development of bike paths and 20% of
23 the revenue derived from fees shall be deposited into the
24 Illinois Fisheries Management Fund, a special fund created in
25 the State Treasury to be used for the operation of the Division

1 of Fisheries within the Department.

2 Revenue derived from fees paid for the registration of
3 motor vehicles of the first division and deposited in the Park
4 and Conservation Fund, as provided for in Section 3-806 of the
5 Illinois Vehicle Code, shall be expended by the Department for
6 the following purposes:

7 (A) Fifty percent of funds derived from the vehicle
8 registration fee shall be used by the Department for normal
9 operations.

10 (B) Fifty percent of funds derived from the vehicle
11 registration fee shall be used by the Department for
12 construction and maintenance of State owned, leased, and
13 managed sites.

14 The monies deposited into the Park and Conservation Fund
15 and the Illinois Fisheries Management Fund under this Section
16 shall not be subject to administrative charges or chargebacks
17 unless otherwise authorized by this Act.

18 (Source: P.A. 91-239, eff. 1-1-00.)

19 (20 ILCS 805/805-435) (was 20 ILCS 805/63b2.5)

20 Sec. 805-435. Office of Conservation Resource Marketing.
21 The Department shall maintain an Office of Conservation
22 Resource Marketing. The Office shall conduct a program for
23 marketing and promoting the use of conservation resources in
24 Illinois with emphasis on recreation and tourism facilities.
25 The Office shall coordinate its tourism promotion efforts with

1 local community events and shall include a field staff which
2 shall work with the Department of Commerce and Economic
3 Opportunity and local officials to coordinate State and local
4 activities for the purpose of expanding tourism and local
5 economies. The Office shall develop, review, and coordinate
6 brochures and information pamphlets for promoting the use of
7 conservation resources. The Office may charge shipping fees on
8 the distribution of all items from the Department's
9 Clearinghouse. The Office shall conduct marketing research to
10 identify organizations and target populations that can be
11 encouraged to use Illinois recreation facilities for group
12 events and the many tourist sites.

13 The Director shall submit an annual report to the Governor
14 and the General Assembly summarizing the Office's activities
15 and including its recommendations for improving the
16 Department's tourism promotion and marketing programs for
17 conservation resources.

18 (Source: P.A. 94-793, eff. 5-19-06.)

19 (20 ILCS 805/805-555 new)

20 Sec. 805-555. Consultation fees.

21 (a) For the purposes of this Section, "agency" shall have
22 the meaning assigned in Section 1-20 of the Illinois
23 Administrative Procedure Act.

24 (b) The Department shall assess a \$500 fee for
25 consultations conducted under subsection (b) of Section 11 of

1 the Illinois Endangered Species Protection Act and Section 17
2 of the Illinois Natural Areas Preservation Act. The Department
3 shall not assess any fee for consultations requested by a State
4 agency or federal agency. Any fee assessed under this Section
5 shall be deposited into the Illinois Wildlife Preservation
6 Fund.

7 (c) The Department may adopt rules to implement this
8 Section.

9 (d) The monies deposited into the Illinois Wildlife
10 Preservation Fund under this Section shall not be subject to
11 administrative charges or chargebacks unless otherwise
12 authorized by this Act.

13 (20 ILCS 805/805-560 new)

14 Sec. 805-560. Entrance fees for site visitors from other
15 states.

16 (a) The General Assembly finds that a dedicated funding
17 stream shall be established for the operation and maintenance
18 of sites owned, managed, or leased by the Department to help
19 ensure that these State treasures will be properly maintained
20 and remain accessible to the public for generations to come.

21 (b) The Department may charge an annual vehicle access fee
22 for access by site visitors from other states to properties
23 owned, managed, or leased by the Department.

24 (c) The Department may charge a daily vehicle access fee to
25 site visitors from other states who have not paid the current

1 annual vehicle access fee.

2 (d) The Department may establish a fine for site visitors
3 from other states who enter a site in a vehicle without paying
4 the annual vehicle access fee or daily vehicle access fee.

5 (e) Revenue generated by the fees and fine assessed
6 pursuant to this Section shall be deposited into the State
7 Parks Fund or the Wildlife and Fish Fund, special funds in the
8 State treasury.

9 (f) The Department shall adopt any and all rules necessary
10 to implement this Section.

11 (g) The monies deposited into the State Parks Fund or the
12 Wildlife and Fish Fund under this Section shall not be subject
13 to administrative charges or chargebacks unless otherwise
14 authorized by this Act.

15 Section 90-15. The Recreational Trails of Illinois Act is
16 amended by changing Sections 10 and 15 and by adding Sections
17 26, 28, 30, 32, 34, 36, 38, and 40 as follows:

18 (20 ILCS 862/10)

19 Sec. 10. Definitions. As used in this Act:

20 "Board" means the State Off-Highway Vehicle Trails
21 Advisory Board.

22 "Department" means the Department of Natural Resources.

23 "Director" means the Director of Natural Resources.

24 "Fund" means the Off-Highway Vehicle Trails Fund.

1 "Off-highway vehicle" means a motor-driven recreational
2 vehicle capable of cross-country travel on natural terrain
3 without benefit of a road or trail, including an all-terrain
4 vehicle and off-highway motorcycle as defined in the Illinois
5 Vehicle Code. "Off-highway vehicle" does not include a
6 snowmobile; a motorcycle; a watercraft; ~~a farm vehicle being~~
7 ~~used for farming; a vehicle used for military, fire, emergency,~~
8 ~~or law enforcement purposes; a construction or logging vehicle~~
9 ~~used in the performance of its common function; a motor vehicle~~
10 ~~owned by or operated under contract with a utility, whether~~
11 ~~publicly or privately owned, when used for work on utilities; a~~
12 ~~commercial vehicle being used for its intended purpose;~~
13 snow-grooming equipment when used for its intended purpose; or
14 an aircraft.

15 "Recreational trail" means a thoroughfare or track across
16 land or snow, used for recreational purposes such as bicycling,
17 cross-country skiing, day hiking, equestrian activities,
18 jogging or similar fitness activities, trail biking, overnight
19 and long-distance backpacking, snowmobiling, aquatic or water
20 activity, and vehicular travel by motorcycle or off-highway
21 vehicles.

22 (Source: P.A. 90-287, eff. 1-1-98.)

23 (20 ILCS 862/15)

24 Sec. 15. Off-Highway Vehicle Trails Fund.

25 (a) The Off-Highway Vehicle Trails Fund is created as a

1 special fund in the State treasury. Money from federal, State,
2 and private sources may be deposited into the Fund. Fines
3 assessed by the Department of Natural Resources for citations
4 issued to off-highway vehicle operators shall be deposited into
5 the Fund. All interest accrued on the Fund shall be deposited
6 into the Fund.

7 (b) All money in the Fund shall be used, subject to
8 appropriation, by the Department for the following purposes:

9 (1) Grants for construction of off-highway vehicle
10 recreational trails on county, municipal, other units of
11 local government, or private lands where a recreational
12 need for the construction is shown.

13 (2) Grants for maintenance and construction of
14 off-highway vehicle recreational trails on federal lands,
15 where permitted by law.

16 (3) Grants for development of off-highway vehicle
17 trail-side facilities in accordance with criteria approved
18 by the National Recreational Trails Advisory Committee.

19 (4) Grants for acquisition of property from willing
20 sellers for off-highway vehicle recreational trails when
21 the objective of a trail cannot be accomplished by other
22 means.

23 (5) Grants for development of urban off-highway
24 vehicle trail linkages near homes and workplaces.

25 (6) Grants for maintenance of existing off-highway
26 vehicle recreational trails, including the grooming and

1 maintenance of trails across snow.

2 (7) Grants for restoration of areas damaged by usage of
3 off-highway vehicle recreational trails and back country
4 terrain.

5 (8) Grants for provision of features that facilitate
6 the access and use of off-highway vehicle trails by persons
7 with disabilities.

8 (9) Grants for acquisition of easements for
9 off-highway vehicle trails or for trail corridors.

10 (10) Grants for a rider education and safety program.

11 (11) Administration, enforcement, planning, and
12 implementation of this Act and all Sections ~~Section 11-1427~~
13 of the Illinois Vehicle Code which regulate the operation
14 of off-highway vehicles as defined in this Act.

15 ~~Of the money used from the Fund for the purposes set forth~~
16 ~~in this subsection, at least 92% shall be allocated for~~
17 ~~motorized recreation and not more than 8% shall be used by the~~
18 ~~Department for administration, enforcement, planning, and~~
19 ~~implementation of this Act or diverted from the Fund,~~
20 ~~notwithstanding any other law to the contrary adopted after the~~
21 ~~effective date of this amendatory Act of the 95th General~~
22 ~~Assembly. The Department shall establish, by rule, measures to~~
23 ~~verify that recipients of money from the Fund comply with the~~
24 ~~specified conditions for the use of the money.~~

25 (c) The Department may not use the money from the Fund for
26 the following purposes:

1 (1) Condemnation of any kind of interest in property.

2 (2) Construction of any recreational trail on National
3 Forest System land for motorized uses unless those lands
4 have been allocated for uses other than wilderness by an
5 approved forest land and resource management plan or have
6 been released to uses other than wilderness by an Act of
7 Congress, and the construction is otherwise consistent
8 with the management direction in the approved land and
9 resource management plan.

10 (3) Construction of motorized recreational trails on
11 Department owned or managed land.

12 (d) The Department shall establish a program to administer
13 grants from the Fund to units of local government,
14 not-for-profit organizations, and other groups to operate,
15 maintain, and acquire land for off-highway vehicle parks that
16 are open and accessible to the public.

17 (e) The monies deposited into the Off-Highway Vehicle
18 Trails Fund under this Section shall not be subject to
19 administrative charges or chargebacks unless otherwise
20 authorized by this Act.

21 (Source: P.A. 95-670, eff. 10-11-07; 96-279, eff. 1-1-10.)

22 (20 ILCS 862/26 new)

23 Sec. 26. Operation of off-highway vehicles without an
24 Off-Highway Vehicle Usage Stamp. Except as hereinafter
25 provided, no person shall, on or after July 1, 2013, operate

1 any off-highway vehicle within the State unless the off-highway
2 vehicle has attached an Off-Highway Vehicle Usage Stamp
3 purchased and displayed in accordance with the provisions of
4 this Act. The Department shall adopt rules for the purchase of
5 Off-Highway Vehicle Usage Stamps. The fee for an Off-Highway
6 Vehicle Usage Stamp shall be \$15 annually and shall expire the
7 March 31st following the year displayed on the Off-Highway
8 Vehicle Usage Stamp. The Department shall deposit \$5 from the
9 sale of each Off-Highway Vehicle Usage Stamp into the
10 Conservation Police Operations Assistance Fund. The Department
11 shall deposit \$10 from the sale of each Off-Highway Vehicle
12 Usage Stamp into the Park and Conservation Fund. The monies
13 deposited into the Conservation Police Operations Assistance
14 Fund or the Park and Conservation Fund under this Section shall
15 not be subject to administrative charges or chargebacks unless
16 otherwise authorized by this Act.

17 (20 ILCS 862/28 new)

18 Sec. 28. Off-Highway Vehicle Usage Stamp display. The
19 Department shall issue to the off-highway vehicle operator an
20 Off-Highway Vehicle Usage Stamp in accordance with Section 26
21 of this Act. The owner shall prominently display the stamp on
22 the forward half of the off-highway vehicle.

23 (20 ILCS 862/30 new)

24 Sec. 30. Owner responsibility. It shall be unlawful for the

1 owner of any off-highway vehicle to knowingly allow any minor
2 child to operate his or her off-highway vehicle in violation of
3 this Act.

4 (20 ILCS 862/32 new)

5 Sec. 32. Destruction, sale, or transfer of Off-Highway
6 Vehicle Usage Stamps. The operator of any off-highway vehicle
7 shall be required to purchase a new Off-Highway Vehicle Usage
8 Stamp if a previous Off-Highway Vehicle Usage Stamp is
9 destroyed, lost, stolen, or mutilated beyond legibility. A
10 valid Off-Highway Vehicle Usage Stamp already displayed on an
11 off-highway vehicle that is sold or transferred shall remain
12 valid until such time the stamp is expired.

13 (20 ILCS 862/34 new)

14 Sec. 34. Exception from display of Off-Highway Vehicle
15 Usage Stamps. The operator of an off-highway vehicle shall not
16 be required to display an Off-Highway Vehicle Usage Stamp if
17 the off-highway vehicle is:

18 (1) owned and used by the United States, the State of
19 Illinois, another state, or a political subdivision
20 thereof, but these off-highway vehicles shall prominently
21 display the name of the owner on the off-highway vehicle;

22 (2) operated on lands where the owner permanently
23 resides; this exception shall not apply to clubs,
24 associations, lands leased for hunting or recreational

1 purposes, or to off-highway vehicles being used by
2 outfitters as defined in the Wildlife Code as part of their
3 outfitting business;

4 (3) used only on international or national competition
5 circuits in events for which written permission has been
6 obtained by the sponsoring or sanctioning body from the
7 governmental unit having jurisdiction over the location of
8 any event held in this State;

9 (4) while being used for activities associated with
10 farming or livestock production operations; or

11 (5) while being used on an off-highway vehicle grant
12 assisted site and the off-highway vehicle displays a
13 Off-Highway Vehicle Access decal.

14 (20 ILCS 862/36 new)

15 Sec. 36. Falsification. No person shall falsely, alter, or
16 change in any manner the Off-Highway Vehicle Usage Stamp issued
17 under the provisions of this Act, or falsify any record
18 required by this Act, or counterfeit any form of license
19 provided for by this Act. Any person found guilty of this
20 Section shall be guilty of a Class A misdemeanor.

21 (20 ILCS 862/38 new)

22 Sec. 38. Penalties. Except as otherwise provided in Section
23 36 of this Act, any person who violates any of the provisions
24 of this Act, including administrative rules, shall be guilty of

1 a petty offense.

2 (20 ILCS 862/40 new)

3 Sec. 40. Inspection authority. Agents of the Department or
4 other duly authorized police officers may stop and inspect any
5 off-highway vehicle at any time for the purposes of determining
6 if the provisions of this Act are being complied with. If the
7 inspecting officer or agent discovers any violation of the
8 provisions of this Act, he or she shall issue a summons to the
9 operator of the off-highway vehicle requiring that the
10 operator appear before the circuit court for the county within
11 which the offense was committed.

12 Section 90-20. The State Finance Act is amended by changing
13 Section 6z-36 and by adding Sections 5.811 and 5.812 as
14 follows:

15 (30 ILCS 105/5.811 new)

16 Sec. 5.811. The Illinois State Museum Fund.

17 (30 ILCS 105/5.812 new)

18 Sec. 5.812. The Illinois Fisheries Management Fund.

19 (30 ILCS 105/6z-36)

20 Sec. 6z-36. Coal Mining Regulatory Fund; uses. All moneys
21 collected as fees and civil penalties under the Surface Coal

1 Mining Land Conservation and Reclamation Act, collected as fees
2 under the Coal Mining Act, and collected as fees submitted to
3 the Department of Natural Resources' analytical laboratory
4 shall be deposited into the Coal Mining Regulatory Fund, a
5 special fund in the State Treasury that is hereby created. All
6 earnings on moneys in the Fund shall be deposited into the
7 Fund. Moneys in the Fund shall be annually appropriated to the
8 Department of Natural Resources for the enforcement of coal
9 mining regulatory laws and rules adopted by the Department
10 under those laws. The monies deposited into the Coal Mining
11 Regulatory Fund under this Section shall not be subject to
12 administrative charges or chargebacks unless otherwise
13 authorized by this Act.

14 (Source: P.A. 88-599; 89-445, eff. 2-7-96.)

15 Section 90-25. The Illinois Non-Game Wildlife Protection
16 Act is amended by changing Section 4 as follows:

17 (30 ILCS 155/4) (from Ch. 61, par. 404)

18 Sec. 4. (a) There is created the Illinois Wildlife
19 Preservation Fund, a special fund in the State Treasury. The
20 Department of Revenue shall determine annually the total amount
21 contributed to such fund pursuant to this Act and shall notify
22 the State Comptroller and the State Treasurer of such amount to
23 be transferred to the Illinois Wildlife Preservation Fund, and
24 upon receipt of such notification the State Comptroller shall

1 transfer such amount.

2 (b) The Department of Natural Resources shall deposit any
3 donations including federal reimbursements received for the
4 purposes in the Illinois Wildlife Preservation Fund.

5 (c) The General Assembly may appropriate annually from the
6 Illinois Wildlife Preservation Fund such monies credited to
7 such fund from the check-off contribution system provided in
8 this Act and from other funds received for the purposes of this
9 Act, to the Department of Natural Resources to be used for the
10 purposes of preserving, protecting, perpetuating and enhancing
11 non-game wildlife in this State. Beginning with fiscal year
12 2006, 5% of the Illinois Wildlife Preservation Fund must be
13 committed to or expended on grants by the Department of Natural
14 Resources for the maintenance of wildlife rehabilitation
15 facilities that take care of threatened or endangered species.
16 For purposes of calculating the 5%, the amount in the Fund is
17 exclusive of any federal funds deposited in or credited to the
18 Fund or any amount deposited in the Fund under subsection (b)
19 of Section 805-555 of the Department of Natural Resources
20 (Conservation) Law. The Department shall establish criteria
21 for the grants by rules adopted in accordance with the Illinois
22 Administrative Procedure Act before January 1, 2006. However,
23 no amount appropriated from the Illinois Wildlife Preservation
24 Fund may be used by the Department of Natural Resources to
25 exercise its power of eminent domain.

26 (Source: P.A. 94-516, eff. 8-10-05.)

1 Section 90-35. The Coal Mining Act is amended by changing
2 Sections 3.02, 3.04, and 8.07 and by adding Sections 2.16 and
3 3.08 as follows:

4 (225 ILCS 705/2.16 new)

5 Sec. 2.16. Rules; Illinois Administrative Procedure Act.
6 The Mining Board may adopt rules necessary for or incidental to
7 the performance of duties or execution of powers conferred
8 under this Act in accordance with provisions of the Illinois
9 Administrative Procedure Act.

10 (225 ILCS 705/3.02) (from Ch. 96 1/2, par. 352)

11 Sec. 3.02. The Mining Board shall make a record of the
12 names and addresses of all persons to whom certificates
13 provided for in this Act ~~Article 2~~ are issued, except those
14 issued as provided in Article 8 of this Act.

15 (Source: Laws 1957, p. 1558.)

16 (225 ILCS 705/3.04) (from Ch. 96 1/2, par. 354)

17 Sec. 3.04. An applicant for any certificate provided for in
18 this Act ~~Article 2~~, except those issued as provided in Article
19 8, before being examined, shall register his or her name with
20 the Mining Board and file with the Board the credentials
21 required by this Act, to-wit: an affidavit as to all matters of
22 fact establishing his or her right to receive the examination,

1 and a certificate of good character and temperate habits signed
2 by at least 10 residents of the community in which he or she
3 resides. Each applicant shall also submit a reasonable fee as
4 prescribed by rule, with such fee being deposited into the Coal
5 Mining Regulatory Fund. The monies deposited into the Coal
6 Mining Regulatory Fund under this Section shall not be subject
7 to administrative charges or chargebacks unless otherwise
8 authorized by this Act.

9 (Source: Laws 1953, p. 701.)

10 (225 ILCS 705/3.08 new)

11 Sec. 3.08. Fees for renewal. The Mining Board may establish
12 by rule a fee for the renewal of certificates with such fee
13 being deposited into the Coal Mining Regulatory Fund. The
14 monies deposited into the Coal Mining Regulatory Fund under
15 this Section shall not be subject to administrative charges or
16 chargebacks unless otherwise authorized by this Act.

17 (225 ILCS 705/8.07) (from Ch. 96 1/2, par. 807)

18 Sec. 8.07. Each applicant who satisfies the requirements
19 set forth in this Article shall receive his or her certificate
20 of competency upon satisfactorily passing the examination and
21 submitting a fee as prescribed by rule. All fees collected
22 shall be deposited into the Coal Mining Regulatory Fund 7
23 ~~without the payment of fees, except that a fee of \$2 shall be~~
24 ~~paid to the Department for additional copies of certificates.~~

1 The monies deposited into the Coal Mining Regulatory Fund under
2 this Section shall not be subject to administrative charges or
3 chargebacks unless otherwise authorized by this Act.

4 (Source: P.A. 85-1333.)

5 Section 90-40. The Surface-Mined Land Conservation and
6 Reclamation Act is amended by changing Sections 5 and 10 as
7 follows:

8 (225 ILCS 715/5) (from Ch. 96 1/2, par. 4506)

9 Sec. 5. Application for permit; bond; fee; permit.

10 (a) Application for a permit shall be made upon a form
11 furnished by the Department, which form shall contain a
12 description of the tract or tracts of land and the estimated
13 number of acres thereof to be affected by surface mining by the
14 applicant to the tenth succeeding June 30, which description
15 shall include the section, township, range, and county in which
16 the land is located and shall otherwise describe the land with
17 sufficient certainty so that it may be located and
18 distinguished from other lands, and a statement that the
19 applicant has the right and power by legal estate owned to mine
20 by surface mining and to reclaim the land so described. Such
21 application shall be accompanied by: (i) a bond or security
22 meeting the requirements of Section 8 of this Act; and (ii) a
23 fee of \$150 ~~\$100~~ for every acre and fraction of an acre of land
24 to be permitted.

1 (b) An operator desiring to have a permit amended to cover
2 additional land may file an amended application with the
3 Department with such additional fee and bond or security as may
4 be required under the provisions of this Act. Such amendment
5 shall comply with all requirements of this Act.

6 (c) An operator may withdraw any land covered by a permit,
7 excepting affected land, by notifying the Department thereof,
8 in which case the penalty of the bond or security filed by such
9 operator pursuant to the provisions of this Act shall be
10 reduced proportionately.

11 (d) (Blank).

12 (e) Every application, and every amendment to an
13 application, submitted under this Act shall contain the
14 following, except that the Director may waive the requirements
15 of this subsection (e) for amendments if the affected acreage
16 is similar in nature to the acreage stated in the permit to be
17 amended:

18 1. a statement of the ownership of the land and of the
19 minerals to be mined;

20 2. the minerals to be mined;

21 3. the character and composition of the vegetation and
22 wildlife on lands to be affected;

23 4. the current and past uses to which the lands to be
24 affected have been put;

25 5. the current assessed valuation of the lands to be
26 affected and the assessed valuation shown by the two

1 quadrennial assessments next preceding the currently
2 effective assessment;

3 6. the nature, depth and proposed disposition of the
4 overburden;

5 7. the estimated depth to which the mineral deposit
6 will be mined;

7 8. the location of existing roads, and anticipated
8 access and haulage roads planned to be used or constructed
9 in conducting surface mining;

10 9. the technique to be used in surface mining;

11 10. the location and names of all streams, creeks,
12 bodies of water and underground water resources within
13 lands to be affected;

14 11. drainage on and away from the lands to be affected
15 including directional flow of water, natural and
16 artificial drainways and waterways, and streams or
17 tributaries receiving the discharge;

18 12. the location of buildings and utility lines within
19 lands to be affected;

20 13. the results of core drillings of consolidated
21 materials in the overburden when required by the
22 Department, provided that the Department may not require
23 core drillings at the applicant's expense in excess of one
24 core drill for every 25 acres of land to be affected;

25 14. a conservation and reclamation plan and map
26 acceptable to the Department. The operator shall designate

1 which parts of the lands to be affected are proposed to be
2 reclaimed for forest, pasture, crop, horticultural,
3 homesite, recreational, industrial or other uses including
4 food, shelter and ground cover for wildlife and shall show
5 the same by appropriate designation on a reclamation map.

6 The plan shall:

7 (i) provide for timely compliance with all
8 operator duties set forth in Section 6 of this Act by
9 feasible and available means; and

10 (ii) provide for storage of all overburden and
11 refuse.

12 Information respecting the minerals to be mined required by
13 subparagraph (e)2 of this Section, respecting the estimated
14 depth to which the mineral deposit will be mined required by
15 subparagraph (e)7 of this Section, and respecting the results
16 of core drillings required by subparagraph (e)13 of this
17 Section shall be held confidential by the Department upon
18 written request of the applicant.

19 (f) All information required in subsection (e) of this
20 Section, with the exception of that information which is to be
21 held in confidentiality by the Department shall be made
22 available by the operator for public inspection at the county
23 seat of each county containing land to be affected. The county
24 board of each county containing lands to be affected may
25 propose the use for which such lands within its county are to
26 be reclaimed and such proposal shall be considered by the

1 Department, provided that any such proposal must be consistent
2 with all requirements of this Act.

3 Such plan shall be deposited with the county board no less
4 than 60 days prior to any action on the plan by the Department.
5 All actions by the county board pursuant to this Section must
6 be taken within 45 days of receiving the plan.

7 If requested by a county board of a county to be affected
8 under a proposed permit, a public hearing to be conducted by
9 the Department shall be held in such county on the permit
10 applicant's proposed reclamation plan. By rules and
11 regulations the Department shall establish hearing dates which
12 provide county boards reasonable time in which to have reviewed
13 the proposed plans and the procedural rules for the calling and
14 conducting of the public hearing. Such procedural rules shall
15 include provisions for reasonable notice to all parties,
16 including the applicant, and reasonable opportunity for all
17 parties to respond by oral or written testimony, or both, to
18 statements and objections made at the public hearing. County
19 boards and the public shall present their recommendations at
20 these hearings. A complete record of the hearings and all
21 testimony shall be made by the Department and recorded
22 stenographically.

23 (g) The Department shall approve a conservation and
24 reclamation plan if the plan complies with this Act and
25 completion of the plan will in fact achieve every duty of the
26 operator required by this Act. The Department's approval of a

1 plan shall be based upon the advice of technically trained
2 foresters, agronomists, economists, engineers, planners and
3 other relevant experts having experience in reclaiming
4 surface-mined lands, and having scientific or technical
5 knowledge based upon research into reclaiming and utilizing
6 surface-mined lands. The Department shall consider all
7 testimony presented at the public hearings as provided in
8 subsection (f) of this Section. In cases where no public
9 hearing is held on a proposed plan, the Department shall
10 consider written testimony from county boards when submitted no
11 later than 45 days following filing of the proposed plan with
12 the county board. The Department shall immediately serve copies
13 of such written testimony on the applicant and give the
14 applicant a reasonable opportunity to respond by written
15 testimony. The Department shall consider the short and long
16 term impact of the proposed mining on vegetation, wildlife,
17 fish, land use, land values, local tax base, the economy of the
18 region and the State, employment opportunities, air pollution,
19 water pollution, soil contamination, noise pollution and
20 drainage. The Department may consider feasible alternative
21 uses for which reclamation might prepare the land to be
22 affected and may analyze the relative costs and effects of such
23 alternatives. Whenever the Department does not approve the
24 operator's plan, and whenever the plan approved by the
25 Department does not conform to the views of the county board
26 expressed in accordance with subsection (f) of this Section,

1 the Department shall issue a statement of its reasons for its
2 determination and shall make such statement public. The
3 approved plan shall be filed by the applicant with the clerk of
4 each county containing lands to be affected and such plan shall
5 be available for public inspection at the office of the clerk
6 until reclamation is completed and the bond is released in
7 accordance with the provisions of the Act.

8 (h) Upon receipt of a bond or security, all fees due from
9 the operator, and approval of the conservation and reclamation
10 plan by the Department, the Department shall issue a permit to
11 the applicant which shall entitle him to engage thereafter in
12 surface mining on the land therein described until the tenth
13 succeeding June 30, the period for which such permits are
14 issued being hereafter referred to as the "permit period".

15 (i) The operator may transfer any existing permit to a
16 second operator, after first notifying the Department of the
17 intent to transfer said permit. The Department shall transfer
18 any existing permit to a second party upon written notification
19 from both parties and the posting of an adequate performance
20 bond by the new permittee.

21 (Source: P.A. 91-357, eff. 7-29-99; 91-938, eff. 1-11-01.)

22 (225 ILCS 715/10) (from Ch. 96 1/2, par. 4511)

23 Sec. 10. Administration.

24 (a) In addition to the duties and powers of the Department
25 prescribed by the Civil Administrative Code of Illinois, it

1 shall have full power and authority to carry out and administer
2 the provisions of this Act. These powers shall include, but are
3 not limited to, the imposition of the following fees to enable
4 the Department to carry out the requirements of this Act:

5 (1) A registration fee of \$475 ~~\$300~~ assessed on July 1
6 of each calendar year that is due from each operator
7 engaged in and controlling a permitted or unpermitted
8 surface mining operation. The registration fee shall be
9 accompanied by a registration form, provided by the
10 Department, which shall indicate the mailing address and
11 telephone number of the operator, the location of all
12 mining operations controlled by the operator, the minerals
13 being mined, and other information deemed necessary by the
14 Department. A \$475 ~~\$300~~ registration fee is the maximum
15 registration fee due from a single operator each calendar
16 year regardless of the number of sites under the operator's
17 control.

18 (2) An additional fee of \$175 ~~\$100~~ assessed on July 1
19 of each calendar year for each site that was actively being
20 surfaced mined during the preceding 12 months that is due
21 from the operator engaged in and controlling the permitted
22 or unpermitted surface mining operations.

23 (3) An additional fee of \$375 ~~\$250~~ assessed on July 1
24 of each calendar year that is due from each operator
25 engaged in and controlling a permitted or unpermitted
26 surface mining operation where blasting operations

1 occurred during the preceding 12 months.

2 (b) Fees shall be assessed by the Department commencing
3 July 1, 1995 for every surface mine operator, active mining
4 site, and active aggregate blasting operation of record as of
5 that date and on July 1 of each year thereafter. The fees
6 assessed under this Section are in addition to any other fees
7 required by law.

8 (c) All fees assessed under this Section shall be submitted
9 to the Department no later than 30 days from the date listed on
10 the Department's annual fee assessment letter sent to the
11 surface mine operator. If the operator is delinquent in the
12 payment of the fees assessed under this Section, no further
13 permits or certifications shall be issued to the operator until
14 the delinquent fees have been paid. Moreover, if the operator
15 is delinquent for more than 60 days in the payment of fees
16 assessed under this Section, the Department shall take the
17 action, in accordance with Section 13 of this Act, necessary to
18 enjoin further surface mining and aggregate blasting
19 operations until all delinquent fees are paid.

20 (Source: P.A. 89-26, eff. 6-23-95.)

21 Section 90-43. The Surface Coal Mining Land Conservation
22 and Reclamation Act is amended by changing Section 2.05 as
23 follows:

24 (225 ILCS 720/2.05) (from Ch. 96 1/2, par. 7902.05)

1 Sec. 2.05. Application Fee. At the time of submission to
2 the Department, a ~~A~~ permit application shall be accompanied by
3 a fee based on the number of surface acres of land to be
4 affected by the proposed operation. Such fees shall be
5 established by the Department by rule. An application for
6 renewal of a permit under Section 2.07 may be filed without
7 payment of an additional fee. The Department shall assess, by
8 rule, a permit fee for a permit revision to an existing permit.

9 (Source: P.A. 81-1015.)

10 Section 90-45. The Illinois Oil and Gas Act is amended by
11 changing Sections 14, 19.7, 21.1, 22.2, and 23.3 as follows:

12 (225 ILCS 725/14) (from Ch. 96 1/2, par. 5420)

13 Sec. 14. Each application for permit to drill, deepen,
14 convert, or amend shall be accompanied by the required fee, not
15 to exceed \$300 ~~\$100~~, which the Department shall establish by
16 rule. A fee of \$50 ~~\$15~~ per well shall be paid by the new owner
17 for each transfer of well ownership, ~~except when multiple wells~~
18 ~~are acquired and transferred as a part of the same transaction,~~
19 ~~the fee shall be calculated at the rate of \$15 per well for the~~
20 ~~first 50 wells, and \$10 for each additional well in excess of~~
21 ~~50.~~ Except for the assessments required to be deposited in the
22 Plugging and Restoration Fund under Section 19.7 of this Act,
23 all fees assessed and collected under this Act shall be
24 deposited in the Underground Resources Conservation

1 Enforcement Fund. The monies deposited into the Plugging and
2 Restoration Fund or the Underground Resources Conservation
3 Enforcement Fund under this Section shall not be subject to
4 administrative charges or chargebacks unless otherwise
5 authorized by this Act.

6 (Source: P.A. 89-243, eff. 8-4-95.)

7 (225 ILCS 725/19.7) (from Ch. 96 1/2, par. 5430.2)

8 Sec. 19.7. The Department shall assess and collect annual
9 well fees from each permittee in the amount of \$75 per well for
10 the first 100 wells and a \$50 fee for each well in excess of 100
11 for which a permit is required under this Act. as follows:

12 ~~(a) Permittees of permits for one well shall pay an annual~~
13 ~~fee of \$150.~~

14 ~~(b) Permittees of permits for 2 through 5 wells shall pay~~
15 ~~an annual fee of \$300.~~

16 ~~(c) Permittees of permits for 6 through 25 wells shall pay~~
17 ~~an annual fee of \$750.~~

18 ~~(d) Permittees of permits for 26 through 100 wells shall~~
19 ~~pay an annual fee of \$1,500.~~

20 ~~(e) Permittees of permits for over 100 wells shall pay an~~
21 ~~annual fee of \$1,500 plus an additional \$12.50 for each well in~~
22 ~~excess of 100.~~

23 Fees shall be assessed for each calendar year commencing in
24 1991 for all wells of record as of July 1, 1991 and July 1 of
25 each year thereafter. The fees assessed by the Department under

1 this Section are in addition to any other fees required by law.
2 All fees assessed under this Section shall be submitted to the
3 Department no later than 30 days from the date listed on the
4 annual fee assessment letter sent to the permittee. Of the fees
5 assessed and collected by the Department each year under this
6 Section, 50% shall be deposited into the Underground Resources
7 Conservation Enforcement Fund, and 50% shall be deposited into
8 the Plugging and Restoration Fund unless, total fees assessed
9 and collected for any calendar year exceed \$1,500,000; then,
10 \$750,000 shall be deposited into the Underground Resources
11 Conservation Enforcement Fund and the balance of the fees
12 assessed and collected shall be deposited into the Plugging and
13 Restoration Fund. Upon request of the Department to the
14 Comptroller and Treasurer, the Comptroller and Treasurer shall
15 make any interfund transfers necessary to effect the
16 allocations required by this Section.

17 The monies deposited into the Plugging and Restoration Fund
18 or the Underground Resources Conservation Enforcement Fund
19 under this Section shall not be subject to administrative
20 charges or chargebacks unless otherwise authorized by this Act.

21 (Source: P.A. 87-744.)

22 (225 ILCS 725/21.1) (from Ch. 96 1/2, par. 5433)

23 Sec. 21.1. (a) The Department is authorized to issue
24 permits for the drilling of wells and to regulate the spacing
25 of wells for oil and gas purposes. For the prevention of waste,

1 to protect and enforce the correlative rights of owners in the
2 pool, and to prevent the drilling of unnecessary wells, the
3 Department shall, upon application of any interested person and
4 after notice and hearing, establish a drilling unit or units
5 for the production of oil and gas or either of them for each
6 pool, provided that no spacing regulation shall be adopted nor
7 drilling unit established which requires the allocation of more
8 than 40 acres of surface area nor less than 10 acres of surface
9 area to an individual well for production of oil from a pool
10 the top of which lies less than 4,000 feet beneath the surface
11 (as determined by the original or discovery well in the pool),
12 provided, however, that the Department may permit the
13 allocation of greater acreage to an individual well than that
14 above specified, and provided further that the spacing of wells
15 in any pool the top of which lies less than 4,000 feet beneath
16 the surface (as determined by the original or discovery well in
17 the pool) shall not include the fixing of a pattern except with
18 respect to the 2 nearest external boundary lines of each
19 drilling unit, and provided further that no acreage allocation
20 shall be required for input or injection wells nor for
21 producing wells lying within a secondary recovery unit as now
22 or hereafter established.

23 (b) Drilling units shall be of approximately uniform size
24 and shape for each entire pool, except that where circumstances
25 reasonably require, the Department may grant exceptions to the
26 size or shape of any drilling unit or units. Each order

1 establishing drilling units shall specify the size and shape of
2 the unit, which shall be such as will result in the efficient
3 and economical development of the pool as a whole, and subject
4 to the provisions of subsection (a) hereof the size of no
5 drilling unit shall be smaller than the maximum area that can
6 be efficiently and economically drained by one well. Each order
7 establishing drilling units for a pool shall cover all lands
8 determined or believed to be underlaid by such pool, and may be
9 modified by the Department from time to time to include
10 additional lands determined to be underlaid by such pool. Each
11 order establishing drilling units may be modified by the
12 Department to change the size thereof, or to permit the
13 drilling of additional wells.

14 (b-2) Any petition requesting a drilling unit exception
15 shall be accompanied by a non-refundable application fee in the
16 amount of \$1,500 for a Modified Drilling unit or Special
17 Drilling Unit or a non-refundable application fee in the amount
18 of \$2,500 for a Pool-Wide Drilling Unit.

19 (c) Each order establishing drilling units shall prohibit
20 the drilling of more than one well on any drilling unit for the
21 production of oil or gas from the particular pool with respect
22 to which the drilling unit is established and subject to the
23 provisions of subsection (a) hereof shall specify the location
24 for the drilling of such well thereon, in accordance with a
25 reasonably uniform spacing pattern, with necessary exceptions
26 for wells drilled or drilling at the time of the application.

1 If the Department finds, after notice and hearing, that surface
2 conditions would substantially add to the burden or hazard of
3 drilling such well at the specified location, or for some other
4 reason it would be inequitable or unreasonable to require a
5 well to be drilled at the specified location, the Department
6 may issue an order permitting the well to be drilled at a
7 location other than that specified in the order establishing
8 drilling units.

9 (d) After the date of the notice for a hearing called to
10 establish drilling units, no additional well shall be commenced
11 for production from the pool until the order establishing
12 drilling units has been issued, unless the commencement of the
13 well is authorized by order of the Department.

14 (e) After an order establishing a drilling unit or units
15 has been issued by the Department, the commencement of drilling
16 of any well or wells into the pool with regard to which such
17 unit was established for the purpose of producing oil or gas
18 therefrom, at a location other than that authorized by the
19 order, or by order granting exception to the original spacing
20 order, is hereby prohibited. The operation of any well drilled
21 in violation of an order establishing drilling units is hereby
22 prohibited.

23 (Source: P.A. 85-1334.)

24 (225 ILCS 725/22.2) (from Ch. 96 1/2, par. 5436)

25 Sec. 22.2. Integration of interests in drilling unit.

1 (a) As used in this Section, "owner" means any person
2 having an interest in the right to drill into and produce oil
3 or gas from any pool, and to appropriate the production for
4 such owner or others.

5 (b) Except as provided in subsection (b-5), when 2 or more
6 separately owned tracts of land are embraced within an
7 established drilling unit, or when there are separately owned
8 interests in all or a part of such units, the owners of all oil
9 and gas interests therein may validly agree to integrate their
10 interests and to develop their lands as a drilling unit. Where,
11 however, such owners have not agreed to integrate their
12 interests and where no action has been commenced seeking
13 permission to drill pursuant to the provisions of "An Act in
14 relation to oil and gas interests in land", approved July 1,
15 1939, and where at least one of the owners has drilled or has
16 proposed to drill a well on an established drilling unit the
17 Department on the application of an owner shall, for the
18 prevention of waste or to avoid the drilling of unnecessary
19 wells, require such owners to do so and to develop their lands
20 as a drilling unit. The Department, as a part of the order
21 integrating interests, may prescribe the terms and conditions
22 upon which the royalty interests in the unit or units shall, in
23 the absence of voluntary agreement, be determined to be
24 integrated without the necessity of a subsequent separate order
25 integrating the royalty interests. Each such integration order
26 shall be upon terms and conditions that are just and

1 reasonable.

2 (b-5) When 2 or more separately owned tracts of land are
3 embraced within an established drilling unit, or when there are
4 separately owned interests in all or a part of the unit, and
5 one of the owners is the Department of Natural Resources,
6 integration of the separate tracts shall be allowed only if,
7 following a comprehensive environmental impact review
8 performed by the Department, the Department determines that no
9 substantial or irreversible detrimental harm will occur on
10 Department lands as a result of any proposed activities
11 relating to mineral extraction. The environmental impact
12 review shall include but shall not be limited to an assessment
13 of the potential destruction or depletion of flora and fauna,
14 wildlife and its supporting habitat, surface and subsurface
15 water supplies, aquatic life, and recreational activities
16 located on the land proposed to be integrated. The Department
17 shall adopt rules necessary to implement this subsection.

18 (b-6) All proceeds, bonuses, rentals, royalties, and other
19 inducements and considerations received from the integration
20 of Department of Natural Resources lands that have not been
21 purchased by the Department of Natural Resources with moneys
22 appropriated from the Wildlife and Fish Fund shall be deposited
23 as follows: at least 50% of the amounts received shall be
24 deposited into the State Parks Fund and not more than 50% shall
25 be deposited into the Plugging and Restoration Fund.

26 (c) All orders requiring such integration shall be made

1 after notice and hearing and shall be upon terms and conditions
2 that are just and reasonable and will afford to the owners of
3 all oil and gas interests in each tract in the drilling unit
4 the opportunity to recover or receive their just and equitable
5 share of oil or gas from the drilling unit without unreasonable
6 expense and will prevent or minimize reasonably avoidable
7 drainage from each integrated drilling unit which is not
8 equalized by counter drainage, but the Department may not limit
9 the production from any well under this provision. The request
10 shall be made by petition accompanied by a non-refundable
11 application fee of \$1,500. The fee shall be deposited into the
12 Underground Resources Conservation Enforcement Fund. The
13 monies deposited into the Underground Resources Conservation
14 Enforcement Fund under this subsection shall not be subject to
15 administrative charges or chargebacks unless otherwise
16 authorized by this Act.

17 (d) All operations, including, but not limited to, the
18 commencement, drilling, or operation of a well upon any portion
19 of a drilling unit shall be deemed for all purposes the conduct
20 of such operations upon each separately owned tract in the
21 drilling unit by the several owners thereof. That portion of
22 the production allocated to a separately owned tract included
23 in a drilling unit shall, when produced, be deemed, for all
24 purposes, to have been actually produced from such tract by a
25 well drilled thereon.

26 (e) In making the determination of integrating separately

1 owned interests, and determining to whom the permit should be
2 issued, the Department may consider:

3 (1) the reasons requiring the integration of separate
4 interests;

5 (2) the respective interests of the parties in the
6 drilling unit sought to be established, and the pool or
7 pools in the field where the proposed drilling unit is
8 located;

9 (3) any parties' prior or present compliance with the
10 Act and the Department's rules; and

11 (4) any other information relevant to protect the
12 correlative rights of the parties sought to be affected by
13 the integration order.

14 (f) Each such integration order shall authorize the
15 drilling, testing, completing, equipping, and operation of a
16 well on the drilling unit; provide who may drill and operate
17 the well; prescribe the time and manner in which all the owners
18 in the drilling unit may elect to participate therein; and make
19 provision for the payment by all those who elect to participate
20 therein of the reasonable actual cost thereof, plus a
21 reasonable charge for supervision and interest. Should an owner
22 not elect to voluntarily participate in the risk and costs of
23 the drilling, testing, completing and operation of a well as
24 determined by the Department, the integration order shall
25 provide either that:

26 (1) the nonparticipating owner shall surrender a

1 leasehold interest to the participating owners on a basis
2 and for such terms and consideration the Department finds
3 fair and reasonable; or

4 (2) the nonparticipating owner shall share in a
5 proportionate part of the production of oil and gas from
6 the drilling unit determined by the Department, and pay a
7 proportionate part of operation cost after the
8 participating owners have recovered from the production of
9 oil or gas from a well all actual costs in the drilling,
10 testing, completing and operation of the well plus a
11 penalty to be determined by the Department of not less than
12 100% nor more than 300% of such actual costs.

13 (g) For the purpose of this Section, the owner or owners of
14 oil and gas rights in and under an unleased tract of land shall
15 be regarded as a lessee to the extent of a 7/8 interest in and
16 to said rights and a lessor to the extent of the remaining 1/8
17 interest therein.

18 (h) In the event of any dispute relative to costs and
19 expenses of drilling, testing, equipping, completing and
20 operating a well, the Department shall determine the proper
21 costs after due notice to interested parties and a hearing
22 thereon. The operator of such unit, in addition to any other
23 right provided by the integration order of the Department,
24 shall have a lien on the mineral leasehold estate or rights
25 owned by the other owners therein and upon their shares of the
26 production from such unit to the extent that costs incurred in

1 the development and operation upon said unit are a charge
2 against such interest by order of the Department or by
3 operation of law. Such liens shall be separable as to each
4 separate owner within such unit, and shall remain liens until
5 the owner or owners drilling or operating the well have been
6 paid the amount due under the terms of the integration order.
7 The Department is specifically authorized to provide that the
8 owner or owners drilling, or paying for the drilling, or for
9 the operation of a well for the benefit of all shall be
10 entitled to production from such well which would be received
11 by the owner or owners for whose benefit the well was drilled
12 or operated, after payment of royalty, until the owner or
13 owners drilling or operating the well have been paid the amount
14 due under the terms of the integration order settling such
15 dispute.

16 (Source: P.A. 90-490, eff. 8-17-97.)

17 (225 ILCS 725/23.3) (from Ch. 96 1/2, par. 5440)

18 Sec. 23.3. The Department, upon the petition of any
19 interested person, shall hold a public hearing to consider the
20 need for operating a pool, pools, or any portion thereof, as a
21 unit to enable, authorize and require operations which will
22 increase the ultimate recovery of oil and gas, prevent the
23 waste of oil and gas, and protect correlative rights of the
24 owners of the oil and gas.

25 (1) Such petition shall contain the following:

1 (a) A description of the land and pool, pools, or parts
2 thereof, within the proposed unit area.

3 (b) The names of all persons owning or having an
4 interest in the oil and gas rights in the proposed unit
5 area as of the date of filing the petition, as disclosed by
6 the records in the office of the recorder for the county or
7 counties in which the unit area is situated, and their
8 addresses, if known. If the address of any person is
9 unknown, the petition shall so indicate.

10 (c) A statement of the type of operations contemplated
11 for the unit area.

12 (d) A copy of a proposed plan of unitization signed by
13 persons owning not less than 51% of the working interest
14 underlying the surface within the area proposed to be
15 unitized, which the petitioner considers fair, reasonable
16 and equitable; said plan of unitization shall include (or
17 provide in a separate unit operating agreement, if there be
18 more than one working interest owner, a copy of which shall
19 accompany the petition) the following:

20 (i) A plan for allocating to each separately owned
21 tract in the unit area its share of the oil and gas
22 produced from the unit area and not required or
23 consumed in the conduct of the operation of the unit
24 area or unavoidably lost.

25 (ii) A provision indicating how unit expense shall
26 be determined and charged to the several owners,

1 including a provision for carrying or otherwise
2 financing any working interest owner who has not
3 executed the proposed plan of unitization and who
4 elects to be carried or otherwise financed, and
5 allowing the unit operator, for the benefit of those
6 working interest owners who have paid the development
7 and operating costs, the recovery of not more than 150%
8 of such person's actual share of development costs of
9 the unit plus operating costs, with interest. Recovery
10 of the money advanced to owners wishing to be financed,
11 for development and operating costs of the unit,
12 together with such other sums provided for herein,
13 shall only be recoverable from such owner's share of
14 unit production from the unit area.

15 (iii) A procedure and basis upon which wells,
16 equipment, and other properties of the several working
17 interest owners within the unit area are to be taken
18 over and used for unit operations, including the method
19 of arriving at the compensation therefor.

20 (iv) A plan for maintaining effective supervision
21 and conduct of unit operations, in respect to which
22 each working interest owner shall have a vote with a
23 value corresponding to the percentage of unit expense
24 chargeable against the interest of such owner.

25 (e) A non-refundable application fee in the amount of
26 \$2,500.

1 (2) Concurrently with the filing of the petition with the
2 Department, the petitioner may file or cause to be filed, in
3 the office of the recorder for the county or counties in which
4 the affected lands sought to be unitized are located, a notice
5 setting forth:

6 (a) The type of proceedings before the Department and a
7 general statement of the purpose of such proceedings.

8 (b) A legal description of the lands, oil and gas lease
9 or leases, and other oil and gas property interests, which
10 may be affected by the proposed unitization.

11 (3) Upon the filing of such notice:

12 (a) All transfers of title to oil and gas rights shall
13 thereafter be subject to the final order of the Department
14 in such proceedings, and

15 (b) Such notice shall be constructive notification to
16 every person subsequently acquiring an interest in or a
17 lien on any of the property affected thereby, and every
18 person whose interest or lien is not shown of record at the
19 time of filing such notice shall, for the purpose of this
20 Act, be deemed a subsequent purchaser and shall be bound by
21 the proceedings before the Department to the same extent
22 and in the same manner as if he were a party thereto.

23 (Source: P.A. 89-243, eff. 8-4-95.)

24 Section 90-50. The Fish and Aquatic Life Code is amended by
25 changing Sections 20-45 and 20-55 as follows:

1 (515 ILCS 5/20-45) (from Ch. 56, par. 20-45)

2 (Text of Section before amendment by P.A. 97-498)

3 Sec. 20-45. License fees for residents. Fees for licenses
4 for residents of the State of Illinois shall be as follows:

5 (a) Except as otherwise provided in this Section, for
6 sport fishing devices as defined in Section 10-95 or
7 spearing devices as defined in Section 10-110 the fee is
8 \$14.50 for individuals 16 to 64 years old, and one-half of
9 the current fishing license fee for individuals age 65 or
10 older, commencing with the 1994 license year.

11 (b) All residents before using any commercial fishing
12 device shall obtain a commercial fishing license, the fee
13 for which shall be \$60 and a resident fishing license, the
14 fee for which is \$14.50 ~~\$35~~. Each and every commercial
15 device used shall be licensed by a resident commercial
16 fisherman as follows:

17 (1) For each 100 lineal yards, or fraction thereof,
18 of seine the fee is \$18. For each minnow seine, minnow
19 trap, or net for commercial purposes the fee is \$20.

20 (2) For each device to fish with a 100 hook trot
21 line device, basket trap, hoop net, or dip net the fee
22 is \$3.

23 (3) When used in the waters of Lake Michigan, for
24 the first 2000 lineal feet, or fraction thereof, of
25 gill net the fee is \$10; and for each 1000 additional

1 lineal feet, or fraction thereof, the fee is \$10. These
2 fees shall apply to all gill nets in use in the water
3 or on drying reels on the shore.

4 (4) For each 100 lineal yards, or fraction thereof,
5 of gill net or trammel net the fee is \$18.

6 (c) Residents of the State of Illinois may obtain a
7 sportsmen's combination license that shall entitle the
8 holder to the same non-commercial fishing privileges as
9 residents holding a license as described in subsection (a)
10 of this Section and to the same hunting privileges as
11 residents holding a license to hunt all species as
12 described in Section 3.1 of the Wildlife Code. No
13 sportsmen's combination license shall be issued to any
14 individual who would be ineligible for either the fishing
15 or hunting license separately. The sportsmen's combination
16 license fee shall be \$25.50. For residents age 65 or older,
17 the fee is one-half of the fee charged for a sportsmen's
18 combination license.

19 (d) For 24 hours of fishing by sport fishing devices as
20 defined in Section 10-95 or by spearing devices as defined
21 in Section 10-110 the fee is \$5. This license exempts the
22 licensee from the requirement for a salmon or inland trout
23 stamp. The licenses provided for by this subsection are not
24 required for residents of the State of Illinois who have
25 obtained the license provided for in subsection (a) of this
26 Section.

1 (e) All residents before using any commercial mussel
2 device shall obtain a commercial mussel license, the fee
3 for which shall be \$50.

4 (f) Residents of this State, upon establishing
5 residency as required by the Department, may obtain a
6 lifetime hunting or fishing license or lifetime
7 sportsmen's combination license which shall entitle the
8 holder to the same non-commercial fishing privileges as
9 residents holding a license as described in paragraph (a)
10 of this Section and to the same hunting privileges as
11 residents holding a license to hunt all species as
12 described in Section 3.1 of the Wildlife Code. No lifetime
13 sportsmen's combination license shall be issued to or
14 retained by any individual who would be ineligible for
15 either the fishing or hunting license separately, either
16 upon issuance, or in any year a violation would subject an
17 individual to have either or both fishing or hunting
18 privileges rescinded. The lifetime hunting and fishing
19 license fees shall be as follows:

20 (1) Lifetime fishing: 30 x the current fishing
21 license fee.

22 (2) Lifetime hunting: 30 x the current hunting
23 license fee.

24 (3) Lifetime sportsmen's combination license: 30 x
25 the current sportsmen's combination license fee.

26 Lifetime licenses shall not be refundable. A \$10 fee shall

1 be charged for reissuing any lifetime license. The Department
2 may establish rules and regulations for the issuance and use of
3 lifetime licenses and may suspend or revoke any lifetime
4 license issued under this Section for violations of those rules
5 or regulations or other provisions under this Code or the
6 Wildlife Code. Individuals under 16 years of age who possess a
7 lifetime hunting or sportsmen's combination license shall have
8 in their possession, while in the field, a certificate of
9 competency as required under Section 3.2 of the Wildlife Code.
10 Any lifetime license issued under this Section shall not exempt
11 individuals from obtaining additional stamps or permits
12 required under the provisions of this Code or the Wildlife
13 Code. Individuals required to purchase additional stamps shall
14 sign the stamps and have them in their possession while fishing
15 or hunting with a lifetime license. All fees received from the
16 issuance of lifetime licenses shall be deposited in the Fish
17 and Wildlife Endowment Fund.

18 Except for licenses issued under subsection (e) of this
19 Section, all licenses provided for in this Section shall expire
20 on March 31 of each year, except that the license provided for
21 in subsection (d) of this Section shall expire 24 hours after
22 the effective date and time listed on the face of the license.

23 All individuals required to have and failing to have the
24 license provided for in subsection (a) or (d) of this Section
25 shall be fined according to the provisions of Section 20-35 of
26 this Code.

1 All individuals required to have and failing to have the
2 licenses provided for in subsections (b) and (e) of this
3 Section shall be guilty of a Class B misdemeanor.

4 (Source: P.A. 96-831, eff. 1-1-10.)

5 (Text of Section after amendment by P.A. 97-498)

6 Sec. 20-45. License fees for residents. Fees for licenses
7 for residents of the State of Illinois shall be as follows:

8 (a) Except as otherwise provided in this Section, for
9 sport fishing devices as defined in Section 10-95 or
10 spearing devices as defined in Section 10-110, the fee is
11 \$14.50 for individuals 16 to 64 years old, one-half of the
12 current fishing license fee for individuals age 65 or
13 older, and, commencing with the 2012 license year, one-half
14 of the current fishing license fee for resident veterans of
15 the United States Armed Forces after returning from service
16 abroad or mobilization by the President of the United
17 States. Veterans must provide, to the Department at one of
18 the Department's 5 regional offices, verification of their
19 service. The Department shall establish what constitutes
20 suitable verification of service for the purpose of issuing
21 fishing licenses to resident veterans at a reduced fee.

22 (b) All residents before using any commercial fishing
23 device shall obtain a commercial fishing license, the fee
24 for which shall be \$60 and a resident fishing license, the
25 fee for which is \$14.50 ~~\$35~~. Each and every commercial

1 device used shall be licensed by a resident commercial
2 fisherman as follows:

3 (1) For each 100 lineal yards, or fraction thereof,
4 of seine the fee is \$18. For each minnow seine, minnow
5 trap, or net for commercial purposes the fee is \$20.

6 (2) For each device to fish with a 100 hook trot
7 line device, basket trap, hoop net, or dip net the fee
8 is \$3.

9 (3) When used in the waters of Lake Michigan, for
10 the first 2000 lineal feet, or fraction thereof, of
11 gill net the fee is \$10; and for each 1000 additional
12 lineal feet, or fraction thereof, the fee is \$10. These
13 fees shall apply to all gill nets in use in the water
14 or on drying reels on the shore.

15 (4) For each 100 lineal yards, or fraction thereof,
16 of gill net or trammel net the fee is \$18.

17 (c) Residents of the State of Illinois may obtain a
18 sportsmen's combination license that shall entitle the
19 holder to the same non-commercial fishing privileges as
20 residents holding a license as described in subsection (a)
21 of this Section and to the same hunting privileges as
22 residents holding a license to hunt all species as
23 described in Section 3.1 of the Wildlife Code. No
24 sportsmen's combination license shall be issued to any
25 individual who would be ineligible for either the fishing
26 or hunting license separately. The sportsmen's combination

1 license fee shall be \$25.50. For residents age 65 or older,
2 the fee is one-half of the fee charged for a sportsmen's
3 combination license. For resident veterans of the United
4 States Armed Forces after returning from service abroad or
5 mobilization by the President of the United States, the
6 fee, commencing with the 2012 license year, is one-half of
7 the fee charged for a sportsmen's combination license.
8 Veterans must provide to the Department, at one of the
9 Department's 5 regional offices, verification of their
10 service. The Department shall establish what constitutes
11 suitable verification of service for the purpose of issuing
12 sportsmen's combination licenses to resident veterans at a
13 reduced fee.

14 (d) For 24 hours of fishing by sport fishing devices as
15 defined in Section 10-95 or by spearing devices as defined
16 in Section 10-110 the fee is \$5. This license does not
17 exempt ~~exempts~~ the licensee from the requirement for a
18 salmon or inland trout stamp. The licenses provided for by
19 this subsection are not required for residents of the State
20 of Illinois who have obtained the license provided for in
21 subsection (a) of this Section.

22 (e) All residents before using any commercial mussel
23 device shall obtain a commercial mussel license, the fee
24 for which shall be \$50.

25 (f) Residents of this State, upon establishing
26 residency as required by the Department, may obtain a

1 lifetime hunting or fishing license or lifetime
2 sportsmen's combination license which shall entitle the
3 holder to the same non-commercial fishing privileges as
4 residents holding a license as described in paragraph (a)
5 of this Section and to the same hunting privileges as
6 residents holding a license to hunt all species as
7 described in Section 3.1 of the Wildlife Code. No lifetime
8 sportsmen's combination license shall be issued to or
9 retained by any individual who would be ineligible for
10 either the fishing or hunting license separately, either
11 upon issuance, or in any year a violation would subject an
12 individual to have either or both fishing or hunting
13 privileges rescinded. The lifetime hunting and fishing
14 license fees shall be as follows:

15 (1) Lifetime fishing: 30 x the current fishing
16 license fee.

17 (2) Lifetime hunting: 30 x the current hunting
18 license fee.

19 (3) Lifetime sportsmen's combination license: 30 x
20 the current sportsmen's combination license fee.

21 Lifetime licenses shall not be refundable. A \$10 fee shall
22 be charged for reissuing any lifetime license. The Department
23 may establish rules and regulations for the issuance and use of
24 lifetime licenses and may suspend or revoke any lifetime
25 license issued under this Section for violations of those rules
26 or regulations or other provisions under this Code or the

1 Wildlife Code. Individuals under 16 years of age who possess a
2 lifetime hunting or sportsmen's combination license shall have
3 in their possession, while in the field, a certificate of
4 competency as required under Section 3.2 of the Wildlife Code.
5 Any lifetime license issued under this Section shall not exempt
6 individuals from obtaining additional stamps or permits
7 required under the provisions of this Code or the Wildlife
8 Code. Individuals required to purchase additional stamps shall
9 sign the stamps and have them in their possession while fishing
10 or hunting with a lifetime license. All fees received from the
11 issuance of lifetime licenses shall be deposited in the Fish
12 and Wildlife Endowment Fund.

13 Except for licenses issued under subsection (e) of this
14 Section, all licenses provided for in this Section shall expire
15 on March 31 of each year, except that the license provided for
16 in subsection (d) of this Section shall expire 24 hours after
17 the effective date and time listed on the face of the license.

18 All individuals required to have and failing to have the
19 license provided for in subsection (a) or (d) of this Section
20 shall be fined according to the provisions of Section 20-35 of
21 this Code.

22 All individuals required to have and failing to have the
23 licenses provided for in subsections (b) and (e) of this
24 Section shall be guilty of a Class B misdemeanor.

25 (Source: P.A. 96-831, eff. 1-1-10; 97-498, eff. 4-1-12.)

1 (515 ILCS 5/20-55) (from Ch. 56, par. 20-55)

2 Sec. 20-55. License fees for non-residents. Fees for
3 licenses for non-residents of the State of Illinois are as
4 follows:

5 (a) For sport fishing devices as defined by Section 10-95,
6 or spearing devices as defined in Section 10-110, non-residents
7 age 16 or older shall be charged \$31 for a fishing license to
8 fish. For sport fishing devices as defined by Section 10-95, or
9 spearing devices as defined in Section 10-110, for a period not
10 to exceed 3 ~~10~~ consecutive days fishing in the State of
11 Illinois the fee is \$15.00 ~~\$19.50~~.

12 For sport fishing devices as defined in Section 10-95, or
13 spearing devices as defined in Section 10-110, for 24 hours of
14 fishing the fee is \$10 ~~\$5~~. This license does not exempt ~~exempts~~
15 the licensee from the salmon or inland trout stamp requirement.

16 (b) All non-residents before using any commercial fishing
17 device shall obtain a non-resident commercial fishing license,
18 the fee for which shall be \$300 and a non-resident fishing
19 licensing ~~\$150~~. Each and every commercial device shall be
20 licensed by a non-resident commercial fisherman as follows:

21 (1) For each 100 lineal yards, or fraction thereof, of
22 seine (excluding minnow seines) the fee is \$36.

23 (2) For each device to fish with a 100 hook trot line
24 device, basket trap, hoop net, or dip net the fee is \$6.

25 (3) For each 100 lineal yards, or fraction thereof, of
26 trammel net the fee is \$36.

1 (4) For each 100 lineal yards, or fraction thereof, of
2 gill net the fee is \$36.

3 All persons required to have and failing to have the
4 license provided for in subsection (a) of this Section shall be
5 fined under Section 20-35 of this Code. Each person required to
6 have and failing to have the licenses required under subsection
7 (b) of this Section shall be guilty of a Class B misdemeanor.

8 All licenses provided for in this Section shall expire on
9 March 31 of each year; except that the 24-hour license for
10 sport fishing devices or spearing devices shall expire 24 hours
11 after the effective date and time listed on the face of the
12 license and licenses for sport fishing devices or spearing
13 devices for a period not to exceed 3 ~~10~~ consecutive days
14 fishing in the State of Illinois as provided in subsection (a)
15 of this Section shall expire at midnight on the tenth day after
16 issued, not counting the day issued.

17 (Source: P.A. 96-831, eff. 1-1-10.)

18 Section 90-55. The Wildlife Code is amended by changing
19 Sections 2.4 and 3.22 as follows:

20 (520 ILCS 5/2.4) (from Ch. 61, par. 2.4)

21 Sec. 2.4. The term birds of prey shall include all species
22 of owls, falcons, hawks, kites, harriers, ospreys and eagles.
23 It shall be unlawful for any person, organization or
24 institution to take or possess a bird of prey (raptor) without

1 first obtaining a license or appropriate permit from the
2 Department. All applicants must be at least 14 years of age.
3 Regulations for the capture, use, possession and
4 transportation of birds of prey for falconry or captive
5 propagation purposes are provided by administrative rule. The
6 fee for a falconry license is \$200 ~~\$75~~ for 5 ~~3~~ years and must be
7 renewed every 5 ~~3~~ years. The fee for a captive propagation
8 permit is \$200 ~~\$75~~ for 5 ~~3~~ years and must be renewed every 5 ~~3~~
9 years. The fee for a raptor capture permit for a resident of
10 the State of Illinois is \$50 ~~\$30~~ per year. The fee for a
11 non-resident raptor capture permit is \$100 ~~\$50~~ per year. A
12 Scientific Collectors Permit, available ~~at no charge~~ to
13 qualified individuals as provided in Section 3.22 of this Act,
14 may be obtained from the Department for scientific, educational
15 or zoological purposes. No person may have in their possession
16 Bald Eagle, *Haliaeetus leucocephalus*; Osprey, *Pandion*
17 *haliaeetus*; or Barn Owl, *Tyto alba*. All captive-held birds of
18 prey must be permanently marked as provided by administrative
19 rule. The use of birds of prey for the hunting of game birds,
20 migratory birds, game mammals, and furbearing mammals shall be
21 lawful during falconry seasons, which shall be set by
22 administrative rule.

23 (Source: P.A. 86-1046; 87-298.)

24 (520 ILCS 5/3.22) (from Ch. 61, par. 3.22)

25 Sec. 3.22. Issuance of scientific and special purpose

1 permits. Scientific permits may be granted by the Department to
2 any properly accredited person at least 18 years of age,
3 permitting the capture, marking, handling, banding, or
4 collecting (including fur, hide, skin, teeth, feathers, claws,
5 nests, eggs, or young), for strictly scientific purposes, of
6 any of the fauna now protected under this Code. A special
7 purpose permit may be granted to qualified individuals for the
8 purpose of salvaging dead, sick, orphaned, or crippled wildlife
9 species protected by this Act for permanent donation to bona
10 fide public or state scientific, educational or zoological
11 institutions or, for the purpose of rehabilitation and
12 subsequent release to the wild, or other disposal as directed
13 by the Department. Private educational organizations may be
14 granted a special purpose permit to possess wildlife or parts
15 thereof for educational purposes. A special purpose permit is
16 required prior to treatment, administration, or both of any
17 wild fauna protected by this Code that is captured, handled, or
18 both in the wild or will be released to the wild with any type
19 of chemical or other compound (including but not limited to
20 vaccines, inhalants, medicinal agents requiring oral or dermal
21 application) regardless of means of delivery, except that
22 individuals and organizations removing or destroying wild
23 birds and wild mammals under Section 2.37 of this Code or
24 releasing game birds under Section 3.23 of this Code are not
25 required to obtain those special purpose permits. Treatment
26 under this special purpose permit means to effect a cure or

1 physiological change within the animal. The criteria,
2 definitions, application process, fees, and standards for a
3 scientific or special purpose permit shall be provided by
4 administrative rule. The annual fee for a scientific or special
5 purpose permit shall not exceed \$100. The Department shall set
6 forth applicable regulations in an administrative rule
7 covering qualifications and facilities needed to obtain both a
8 scientific and a special purpose permit. The application for
9 these permits shall be approved by the Department to determine
10 if a permit should be issued. Disposition of fauna taken under
11 the authority of this Section shall be specified by the
12 Department.

13 The holder of each such scientific or special purpose
14 permit shall make to the Department a report in writing upon
15 blanks furnished by the Department. Such reports shall be made
16 (i) annually if the permit is granted for a period of more than
17 one year or (ii) within 30 days after the expiration of the
18 permit if the permit is granted for a period of one year or
19 less. Such reports shall include information which the
20 Department may consider necessary.

21 (Source: P.A. 96-979, eff. 7-2-10.)

22 Section 90-57. The Illinois Natural Areas Preservation Act
23 is amended by changing Section 6.01 as follows:

24 (525 ILCS 30/6.01) (from Ch. 105, par. 706.01)

1 Sec. 6.01. To compile and maintain inventories, registers
2 and records of nature preserves, other natural areas and
3 features, and species of plants and animals and their habitats
4 and establish a fee, by rule, to be collected to recover the
5 actual cost of collecting, storing, managing, compiling, and
6 providing access to such inventories, registers, and records.
7 All fees collected under this Section shall be deposited into
8 the Natural Areas Acquisition Fund. The monies deposited into
9 the Natural Areas Acquisition Fund under this Section shall not
10 be subject to administrative charges or chargebacks unless
11 otherwise authorized by this Act.

12 (Source: P.A. 82-445.)

13 Section 90-60. The Rivers, Lakes, and Streams Act is
14 amended by adding Section 35 as follows:

15 (615 ILCS 5/35 new)

16 Sec. 35. Permit fees. The Department of Natural Resources
17 shall collect a fee of up to \$5,000 per application for permits
18 issued under this Act. The Department of Natural Resources
19 shall set the specific fee applicable to different permits
20 issued under this Act by administrative rule, provided that no
21 fee exceeds \$5,000. All fees collected pursuant to this Section
22 shall be deposited in the State Boating Act Fund for use by the
23 Department of Natural Resources for the ordinary and contingent
24 expenses of the Department of the Natural Resources. No permit

1 application shall be processed until the application fee is
2 paid to the Department of Natural Resources. The monies
3 deposited into the State Boating Act Fund under this Section
4 shall not be subject to administrative charges or chargebacks
5 unless otherwise authorized by this Act.

6 Section 90-80. The Illinois Vehicle Code is amended by
7 changing Sections 2-119, 3-806, and 3-815 as follows:

8 (625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)

9 Sec. 2-119. Disposition of fees and taxes.

10 (a) All moneys received from Salvage Certificates shall be
11 deposited in the Common School Fund in the State Treasury.

12 (b) Beginning January 1, 1990 and concluding December 31,
13 1994, of the money collected for each certificate of title,
14 duplicate certificate of title and corrected certificate of
15 title, \$0.50 shall be deposited into the Used Tire Management
16 Fund. Beginning January 1, 1990 and concluding December 31,
17 1994, of the money collected for each certificate of title,
18 duplicate certificate of title and corrected certificate of
19 title, \$1.50 shall be deposited in the Park and Conservation
20 Fund.

21 Beginning January 1, 1995, of the money collected for each
22 certificate of title, duplicate certificate of title and
23 corrected certificate of title, \$3.25 ~~\$2~~ shall be deposited in
24 the Park and Conservation Fund. The moneys deposited in the

1 Park and Conservation Fund pursuant to this Section shall be
2 used for the acquisition and development of bike paths as
3 provided for in Section 805-420 of the Department of Natural
4 Resources (Conservation) Law (20 ILCS 805/805-420). The monies
5 deposited into the Park and Conservation Fund under this
6 subsection shall not be subject to administrative charges or
7 chargebacks unless otherwise authorized by this Act.

8 Beginning January 1, 2000, of the moneys collected for each
9 certificate of title, duplicate certificate of title, and
10 corrected certificate of title, \$48 shall be deposited into the
11 Road Fund and \$4 shall be deposited into the Motor Vehicle
12 License Plate Fund, except that if the balance in the Motor
13 Vehicle License Plate Fund exceeds \$40,000,000 on the last day
14 of a calendar month, then during the next calendar month the \$4
15 shall instead be deposited into the Road Fund.

16 Beginning January 1, 2005, of the moneys collected for each
17 delinquent vehicle registration renewal fee, \$20 shall be
18 deposited into the General Revenue Fund.

19 Except as otherwise provided in this Code, all remaining
20 moneys collected for certificates of title, and all moneys
21 collected for filing of security interests, shall be placed in
22 the General Revenue Fund in the State Treasury.

23 (c) All moneys collected for that portion of a driver's
24 license fee designated for driver education under Section 6-118
25 shall be placed in the Driver Education Fund in the State
26 Treasury.

1 (d) Beginning January 1, 1999, of the monies collected as a
2 registration fee for each motorcycle, motor driven cycle and
3 moped, 27% of each annual registration fee for such vehicle and
4 27% of each semiannual registration fee for such vehicle is
5 deposited in the Cycle Rider Safety Training Fund.

6 (e) Of the monies received by the Secretary of State as
7 registration fees or taxes or as payment of any other fee, as
8 provided in this Act, except fees received by the Secretary
9 under paragraph (7) of subsection (b) of Section 5-101 and
10 Section 5-109 of this Code, 37% shall be deposited into the
11 State Construction Fund.

12 (f) Of the total money collected for a CDL instruction
13 permit or original or renewal issuance of a commercial driver's
14 license (CDL) pursuant to the Uniform Commercial Driver's
15 License Act (UCDLA): (i) \$6 of the total fee for an original or
16 renewal CDL, and \$6 of the total CDL instruction permit fee
17 when such permit is issued to any person holding a valid
18 Illinois driver's license, shall be paid into the
19 CDLIS/AAMVAnet Trust Fund (Commercial Driver's License
20 Information System/American Association of Motor Vehicle
21 Administrators network Trust Fund) and shall be used for the
22 purposes provided in Section 6z-23 of the State Finance Act and
23 (ii) \$20 of the total fee for an original or renewal CDL or
24 commercial driver instruction permit shall be paid into the
25 Motor Carrier Safety Inspection Fund, which is hereby created
26 as a special fund in the State Treasury, to be used by the

1 Department of State Police, subject to appropriation, to hire
2 additional officers to conduct motor carrier safety
3 inspections pursuant to Chapter 18b of this Code.

4 (g) All remaining moneys received by the Secretary of State
5 as registration fees or taxes or as payment of any other fee,
6 as provided in this Act, except fees received by the Secretary
7 under paragraph (7) (A) of subsection (b) of Section 5-101 and
8 Section 5-109 of this Code, shall be deposited in the Road Fund
9 in the State Treasury. Moneys in the Road Fund shall be used
10 for the purposes provided in Section 8.3 of the State Finance
11 Act.

12 (h) (Blank).

13 (i) (Blank).

14 (j) (Blank).

15 (k) There is created in the State Treasury a special fund
16 to be known as the Secretary of State Special License Plate
17 Fund. Money deposited into the Fund shall, subject to
18 appropriation, be used by the Office of the Secretary of State
19 (i) to help defray plate manufacturing and plate processing
20 costs for the issuance and, when applicable, renewal of any new
21 or existing registration plates authorized under this Code and
22 (ii) for grants made by the Secretary of State to benefit
23 Illinois Veterans Home libraries.

24 On or before October 1, 1995, the Secretary of State shall
25 direct the State Comptroller and State Treasurer to transfer
26 any unexpended balance in the Special Environmental License

1 Plate Fund, the Special Korean War Veteran License Plate Fund,
2 and the Retired Congressional License Plate Fund to the
3 Secretary of State Special License Plate Fund.

4 (l) The Motor Vehicle Review Board Fund is created as a
5 special fund in the State Treasury. Moneys deposited into the
6 Fund under paragraph (7) of subsection (b) of Section 5-101 and
7 Section 5-109 shall, subject to appropriation, be used by the
8 Office of the Secretary of State to administer the Motor
9 Vehicle Review Board, including without limitation payment of
10 compensation and all necessary expenses incurred in
11 administering the Motor Vehicle Review Board under the Motor
12 Vehicle Franchise Act.

13 (m) Effective July 1, 1996, there is created in the State
14 Treasury a special fund to be known as the Family
15 Responsibility Fund. Moneys deposited into the Fund shall,
16 subject to appropriation, be used by the Office of the
17 Secretary of State for the purpose of enforcing the Family
18 Financial Responsibility Law.

19 (n) The Illinois Fire Fighters' Memorial Fund is created as
20 a special fund in the State Treasury. Moneys deposited into the
21 Fund shall, subject to appropriation, be used by the Office of
22 the State Fire Marshal for construction of the Illinois Fire
23 Fighters' Memorial to be located at the State Capitol grounds
24 in Springfield, Illinois. Upon the completion of the Memorial,
25 moneys in the Fund shall be used in accordance with Section
26 3-634.

1 (o) Of the money collected for each certificate of title
 2 for all-terrain vehicles and off-highway motorcycles, \$17
 3 shall be deposited into the Off-Highway Vehicle Trails Fund.

4 (p) For audits conducted on or after July 1, 2003 pursuant
 5 to Section 2-124(d) of this Code, 50% of the money collected as
 6 audit fees shall be deposited into the General Revenue Fund.
 7 (Source: P.A. 96-554, eff. 1-1-10.)

8 (625 ILCS 5/3-806) (from Ch. 95 1/2, par. 3-806)

9 Sec. 3-806. Registration Fees; Motor Vehicles of the First
 10 Division. Every owner of any other motor vehicle of the first
 11 division, except as provided in Sections 3-804, 3-804.01,
 12 3-805, 3-806.3, 3-806.7, and 3-808, and every second division
 13 vehicle weighing 8,000 pounds or less, shall pay the Secretary
 14 of State an annual registration fee at the following rates:

15 SCHEDULE OF REGISTRATION FEES

16 REQUIRED BY LAW

17 Beginning with the 2010 registration year

18 Annual

19 Fee

20 Motor vehicles of the first

21 division other than

22 Motorcycles, Motor Driven

23 Cycles and Pedalcycles \$98

24 Motorcycles, Motor Driven

1 Cycles and Pedalcycles 38

2 Beginning with the 2010 registration year a \$1 surcharge
3 shall be collected in addition to the above fees for motor
4 vehicles of the first division, motorcycles, motor driven
5 cycles, and pedalcycles to be deposited into the State Police
6 Vehicle Fund.

7 All of the proceeds of the additional fees imposed by
8 Public Act 96-34 shall be deposited into the Capital Projects
9 Fund.

10 Beginning with the 2014 registration year, a \$2 surcharge
11 shall be collected in addition to the above fees for motor
12 vehicles of the first division, motorcycles, motor driven
13 cycles, and pedalcycles to be deposited into the Park and
14 Conservation Fund for the Department of Natural Resources to
15 use for conservation efforts. The monies deposited into the
16 Park and Conservation Fund under this Section shall not be
17 subject to administrative charges or chargebacks unless
18 otherwise authorized by this Act.

19 (Source: P.A. 96-34, eff. 7-13-09; 96-747, eff. 1-1-10;
20 96-1000, eff. 7-2-10; 97-412, eff. 1-1-12.)

21 (625 ILCS 5/3-815) (from Ch. 95 1/2, par. 3-815)

22 Sec. 3-815. Flat weight tax; vehicles of the second
23 division.

24 (a) Except as provided in Section 3-806.3, every owner of a
25 vehicle of the second division registered under Section 3-813,

1 and not registered under the mileage weight tax under Section
 2 3-818, shall pay to the Secretary of State, for each
 3 registration year, for the use of the public highways, a flat
 4 weight tax at the rates set forth in the following table, the
 5 rates including the \$10 registration fee:

6 SCHEDULE OF FLAT WEIGHT TAX

7 REQUIRED BY LAW

| 8 | Gross Weight in Lbs. | | Total Fees |
|----|----------------------------|-------|-------------|
| 9 | Including Vehicle | | each Fiscal |
| 10 | and Maximum | | year |
| 11 | Load | Class | |
| 12 | 8,000 lbs. and less | B | \$98 |
| 13 | 8,001 lbs. to 12,000 lbs. | D | 138 |
| 14 | 12,001 lbs. to 16,000 lbs. | F | 242 |
| 15 | 16,001 lbs. to 26,000 lbs. | H | 490 |
| 16 | 26,001 lbs. to 28,000 lbs. | J | 630 |
| 17 | 28,001 lbs. to 32,000 lbs. | K | 842 |
| 18 | 32,001 lbs. to 36,000 lbs. | L | 982 |
| 19 | 36,001 lbs. to 40,000 lbs. | N | 1,202 |
| 20 | 40,001 lbs. to 45,000 lbs. | P | 1,390 |
| 21 | 45,001 lbs. to 50,000 lbs. | Q | 1,538 |
| 22 | 50,001 lbs. to 54,999 lbs. | R | 1,698 |
| 23 | 55,000 lbs. to 59,500 lbs. | S | 1,830 |
| 24 | 59,501 lbs. to 64,000 lbs. | T | 1,970 |
| 25 | 64,001 lbs. to 73,280 lbs. | V | 2,294 |
| 26 | 73,281 lbs. to 77,000 lbs. | X | 2,622 |

1 77,001 lbs. to 80,000 lbs. Z 2,790

2 Beginning with the 2010 registration year a \$1 surcharge
3 shall be collected for vehicles registered in the 8,000 lbs.
4 and less flat weight plate category above to be deposited into
5 the State Police Vehicle Fund.

6 Beginning with the 2014 registration year, a \$2 surcharge
7 shall be collected in addition to the above fees for vehicles
8 registered in the 8,000 lb. and less flat weight plate category
9 as described in this subsection (a) to be deposited into the
10 Park and Conservation Fund for the Department of Natural
11 Resources to use for conservation efforts. The monies deposited
12 into the Park and Conservation Fund under this Section shall
13 not be subject to administrative charges or chargebacks unless
14 otherwise authorized by this Act.

15 All of the proceeds of the additional fees imposed by this
16 amendatory Act of the 96th General Assembly shall be deposited
17 into the Capital Projects Fund.

18 (a-1) A Special Hauling Vehicle is a vehicle or combination
19 of vehicles of the second division registered under Section
20 3-813 transporting asphalt or concrete in the plastic state or
21 a vehicle or combination of vehicles that are subject to the
22 gross weight limitations in subsection (a) of Section 15-111
23 for which the owner of the vehicle or combination of vehicles
24 has elected to pay, in addition to the registration fee in
25 subsection (a), \$125 to the Secretary of State for each
26 registration year. The Secretary shall designate this class of

1 vehicle as a Special Hauling Vehicle.

2 (b) Except as provided in Section 3-806.3, every camping
3 trailer, motor home, mini motor home, travel trailer, truck
4 camper or van camper used primarily for recreational purposes,
5 and not used commercially, nor for hire, nor owned by a
6 commercial business, may be registered for each registration
7 year upon the filing of a proper application and the payment of
8 a registration fee and highway use tax, according to the
9 following table of fees:

10 MOTOR HOME, MINI MOTOR HOME, TRUCK CAMPER OR VAN CAMPER

| 11 Gross Weight in Lbs. | Total Fees |
|-----------------------------|---------------|
| 12 Including Vehicle and | Each |
| 13 Maximum Load | Calendar Year |
| 14 8,000 lbs and less | \$78 |
| 15 8,001 Lbs. to 10,000 Lbs | 90 |
| 16 10,001 Lbs. and Over | 102 |

17 CAMPING TRAILER OR TRAVEL TRAILER

| 18 Gross Weight in Lbs. | Total Fees |
|------------------------------|---------------|
| 19 Including Vehicle and | Each |
| 20 Maximum Load | Calendar Year |
| 21 3,000 Lbs. and Less | \$18 |
| 22 3,001 Lbs. to 8,000 Lbs. | 30 |
| 23 8,001 Lbs. to 10,000 Lbs. | 38 |
| 24 10,001 Lbs. and Over | 50 |

25 Every house trailer must be registered under Section 3-819.

26 (c) Farm Truck. Any truck used exclusively for the owner's

1 own agricultural, horticultural or livestock raising
 2 operations and not-for-hire only, or any truck used only in the
 3 transportation for-hire of seasonal, fresh, perishable fruit
 4 or vegetables from farm to the point of first processing, may
 5 be registered by the owner under this paragraph in lieu of
 6 registration under paragraph (a), upon filing of a proper
 7 application and the payment of the \$10 registration fee and the
 8 highway use tax herein specified as follows:

9 SCHEDULE OF FEES AND TAXES

| 10 Gross Weight in Lbs. | | Total Amount for |
|--------------------------|-------|------------------|
| 11 Including Truck and | | each |
| 12 Maximum Load | Class | Fiscal Year |
| 13 16,000 lbs. or less | VF | \$150 |
| 14 16,001 to 20,000 lbs. | VG | 226 |
| 15 20,001 to 24,000 lbs. | VH | 290 |
| 16 24,001 to 28,000 lbs. | VJ | 378 |
| 17 28,001 to 32,000 lbs. | VK | 506 |
| 18 32,001 to 36,000 lbs. | VL | 610 |
| 19 36,001 to 45,000 lbs. | VP | 810 |
| 20 45,001 to 54,999 lbs. | VR | 1,026 |
| 21 55,000 to 64,000 lbs. | VT | 1,202 |
| 22 64,001 to 73,280 lbs. | VV | 1,290 |
| 23 73,281 to 77,000 lbs. | VX | 1,350 |
| 24 77,001 to 80,000 lbs. | VZ | 1,490 |

25 In the event the Secretary of State revokes a farm truck
 26 registration as authorized by law, the owner shall pay the flat

1 weight tax due hereunder before operating such truck.

2 Any combination of vehicles having 5 axles, with a distance
3 of 42 feet or less between extreme axles, that are subject to
4 the weight limitations in subsection (a) of Section 15-111 for
5 which the owner of the combination of vehicles has elected to
6 pay, in addition to the registration fee in subsection (c),
7 \$125 to the Secretary of State for each registration year shall
8 be designated by the Secretary as a Special Hauling Vehicle.

9 (d) The number of axles necessary to carry the maximum load
10 provided shall be determined from Chapter 15 of this Code.

11 (e) An owner may only apply for and receive 5 farm truck
12 registrations, and only 2 of those 5 vehicles shall exceed
13 59,500 gross weight in pounds per vehicle.

14 (f) Every person convicted of violating this Section by
15 failure to pay the appropriate flat weight tax to the Secretary
16 of State as set forth in the above tables shall be punished as
17 provided for in Section 3-401.

18 (Source: P.A. 96-34, eff. 7-13-09; 97-201, eff. 1-1-12.)

19 Section 90-85. The Snowmobile Registration and Safety Act
20 is amended by changing Sections 1-2.02, 3-2, and 3-6 as
21 follows:

22 (625 ILCS 40/1-2.02) (from Ch. 95 1/2, par. 601-2.02)

23 Sec. 1-2.02.

24 "Dealer" means any person who engages in the business of

1 manufacturing, selling, or dealing in, on consignment or
2 otherwise, any number of new snowmobiles, or 5 or more used
3 snowmobiles of any make during the year, including any
4 watercraft or off-highway vehicle dealer or a person licensed
5 as a new or used vehicle dealer who also sells or deals in, on
6 consignment or otherwise, any number of snowmobiles as defined
7 by this Act ~~a person, partnership, or corporation engaged in~~
8 ~~the business of manufacturing, selling, or leasing snowmobiles~~
9 ~~at wholesale or retail.~~

10 (Source: P.A. 78-856.)

11 (625 ILCS 40/3-2) (from Ch. 95 1/2, par. 603-2)

12 Sec. 3-2. Identification Number Application. The owner of
13 each snowmobile requiring numbering by this State shall file an
14 application for number with the Department on forms approved by
15 it. The application shall be signed by the owner of the
16 snowmobile and shall be accompanied by a fee of \$30. When a
17 snowmobile dealer sells a snowmobile the dealer shall, at the
18 time of sale, require the buyer to complete an application for
19 the registration certificate, collect the required fee and mail
20 the application and fee to the Department no later than 15 ~~14~~
21 days after the date of sale. Combination application-receipt
22 forms shall be provided by the Department and the dealer shall
23 furnish the buyer with the completed receipt showing that
24 application for registration has been made. This completed
25 receipt shall be in the possession of the user of the

1 snowmobile until the registration certificate is received. No
2 snowmobile dealer may charge an additional fee to the buyer for
3 performing this service required under this subsection.
4 However, no purchaser exempted under Section 3-11 of this Act
5 shall be charged any fee or be subject to the other
6 requirements of this Section. The application form shall so
7 state in clear language the requirements of this Section and
8 the penalty for violation near the place on the application
9 form provided for indicating the intention to register in
10 another jurisdiction. Each dealer shall maintain, for one year,
11 a record in a form prescribed by the Department for each
12 snowmobile sold. These records shall be open to inspection by
13 the Department. Upon receipt of the application in approved
14 form the Department shall enter the same upon the records of
15 its office and issue to the applicant a certificate of number
16 stating the number awarded to the snowmobile and the name and
17 address of the owner.

18 For the registration years beginning on or after January 1,
19 2017, the application shall be signed by the owner of the
20 snowmobile and shall be accompanied by a fee of \$45.

21 (Source: P.A. 96-1291, eff. 4-1-11.)

22 (625 ILCS 40/3-6) (from Ch. 95 1/2, par. 603-6)

23 Sec. 3-6. Loss of certificate.

24 Should a certificate of number or registration expiration
25 decal become lost, destroyed, or mutilated beyond legibility,

1 the owner of the snowmobile shall make application to the
2 Department for the replacement of the certificate or decal,
3 giving his name, address, and the number of his snowmobile and
4 shall at the same time pay to the Department a fee of \$5 ~~\$1~~.

5 (Source: P.A. 77-1312.)

6 Section 90-90. The Boat Registration and Safety Act is
7 amended by changing Sections 1-2, 3-1, 3-2, 3-3, 3-4, 3-5, 3-9,
8 3-11, 3-12, and 3A-16 and by adding Sections 3-1.5 and 3-7.5 as
9 follows:

10 (625 ILCS 45/1-2) (from Ch. 95 1/2, par. 311-2)

11 Sec. 1-2. Definitions. As used in this Act, unless the
12 context clearly requires a different meaning:

13 "Vessel" or "Watercraft" means every description of
14 watercraft used or capable of being used as a means of
15 transportation on water, except a seaplane on the water,
16 ~~innertube,~~ air mattress or similar device, and boats used for
17 concession rides in artificial bodies of water designed and
18 used exclusively for such concessions.

19 "Motorboat" means any vessel propelled by machinery,
20 whether or not such machinery is the principal source of
21 propulsion, but does not include a vessel which has a valid
22 marine document issued by the Bureau of Customs of the United
23 States Government or any Federal agency successor thereto.

24 "Non-powered watercraft" means any canoe, kayak,

1 kiteboard, paddleboard, float tube, or watercraft not
2 propelled by sail, canvas, or machinery of any sort.

3 "Sailboat" means any watercraft propelled by sail or
4 canvas, including sailboards. For the purposes of this Act, any
5 watercraft propelled by both sail or canvas and machinery of
6 any sort shall be deemed a motorboat when being so propelled.

7 "Airboat" means any boat (but not including airplanes or
8 hydroplanes) propelled by machinery applying force against the
9 air rather than the water as a means of propulsion.

10 "Dealer" means any person who engages in the business of
11 manufacturing, selling, or dealing in, on consignment or
12 otherwise, any number of new watercraft, or 5 or more used
13 watercraft of any make during the year, including any
14 off-highway vehicle dealer or snowmobile dealer or a person
15 licensed as a new or used vehicle dealer who also sells or
16 deals in, on consignment or otherwise, any number of watercraft
17 as defined in this Act.

18 "Lifeboat" means a small boat kept on board a larger boat
19 for use in emergency.

20 "Owner" means a person, other than lien holder, having
21 title to a motorboat. The term includes a person entitled to
22 the use or possession of a motorboat subject to an interest in
23 another person, reserved or created by agreement and securing
24 payment of performance of an obligation, but the term excludes
25 a lessee under a lease not intended as security.

26 "Waters of this State" means any water within the

1 jurisdiction of this State.

2 "Person" means an individual, partnership, firm,
3 corporation, association, or other entity.

4 "Operate" means to navigate or otherwise use a motorboat or
5 vessel.

6 "Department" means the Department of Natural Resources.

7 "Competent" means capable of assisting a skier in case of
8 injury or accident.

9 "Personal flotation device" or "PFD" means a device that is
10 approved by the Commandant, U.S. Coast Guard, under Part 160 of
11 Title 46 of the Code of Federal Regulations.

12 "Recreational boat" means any vessel manufactured or used
13 primarily for noncommercial use; or leased, rented or chartered
14 to another for noncommercial use.

15 "Personal watercraft" means a vessel that uses an inboard
16 motor powering a water jet pump as its primary source of motor
17 power and that is designed to be operated by a person sitting,
18 standing, or kneeling on the vessel, rather than the
19 conventional manner of sitting or standing inside the vessel,
20 and includes vessels that are similar in appearance and
21 operation but are powered by an outboard or propeller drive
22 motor.

23 "Specialty prop-craft" means a vessel that is similar in
24 appearance and operation to a personal watercraft but that is
25 powered by an outboard or propeller driven motor.

26 "Underway" applies to a vessel or watercraft at all times

1 except when it is moored at a dock or anchorage area.

2 "Use" applies to all vessels on the waters of this State,
3 whether moored or underway.

4 (Source: P.A. 89-445, eff. 2-7-96.)

5 (625 ILCS 45/3-1) (from Ch. 95 1/2, par. 313-1)

6 Sec. 3-1. Unlawful operation of unnumbered watercraft.
7 Every watercraft other than non-powered watercraft ~~sailboards,~~
8 on waters within the jurisdiction of this State shall be
9 numbered. No person may operate or give permission for the
10 operation of any such watercraft on such waters unless the
11 watercraft is numbered in accordance with this Act, or in
12 accordance with applicable Federal law, or in accordance with a
13 Federally-approved numbering system of another State, and
14 unless (1) the certificate of number awarded to such watercraft
15 is in full force and effect, and (2) the identifying number set
16 forth in the certificate of number is displayed on each side of
17 the bow of such watercraft.

18 (Source: P.A. 85-149.)

19 (625 ILCS 45/3-1.5 new)

20 Sec. 3-1.5. Water usage stamp. Any person using a
21 non-powered watercraft on the waters of this State shall have a
22 valid water usage stamp affixed to an area easily visible
23 either on the exterior or interior of the device. The
24 Department shall establish rules and regulations for the

1 purchase of water usage stamps. Each water usage stamp shall
 2 bear the calendar year the stamp is in effect. The fee for a
 3 water usage stamp is \$6 per stamp for the first 3 stamps. Any
 4 person who purchases more than 3 water usage stamps receives
 5 each subsequent stamp for \$3 each.

6 (625 ILCS 45/3-2) (from Ch. 95 1/2, par. 313-2)

7 Sec. 3-2. Identification number application. The owner of
 8 each watercraft requiring numbering by this State shall file an
 9 application for number with the Department on forms approved by
 10 it. The application shall be signed by the owner of the
 11 watercraft and shall be accompanied by a fee as follows:

12 A. (Blank). Class A (all canoes, kayaks, and
 13 non-motorized paddle boats) \$6

14 B. Class 1 (all watercraft less
 15 than 16 feet in length, except
 16 non-powered watercraft.
 17 canoes, kayaks, and non-motorized paddle boats) .. \$18 ~~\$15~~

18 C. Class 2 (all watercraft 16
 19 feet or more but less than 26 feet in length
 20 except canoes, kayaks, and non-motorized paddle
 21 boats) \$50 ~~\$45~~

22 D. Class 3 (all watercraft 26 feet or more
 23 but less than 40 feet in length)..... \$150 ~~\$75~~

24 E. Class 4 (all watercraft 40 feet in length
 25 or more) \$200 ~~\$100~~

1 Upon receipt of the application in approved form, and when
2 satisfied that no tax imposed pursuant to the "Municipal Use
3 Tax Act" or the "County Use Tax Act" is owed, or that such tax
4 has been paid, the Department shall enter the same upon the
5 records of its office and issue to the applicant a certificate
6 of number stating the number awarded to the watercraft and the
7 name and address of the owner.

8 The Department shall deposit 20% of all money collected
9 from watercraft registrations into the Conservation Police
10 Operations Assistance Fund. The monies deposited into the
11 Conservation Police Operations Assistance Fund under this
12 Section shall not be subject to administrative charges or
13 chargebacks unless otherwise authorized by this Act.

14 (Source: P.A. 93-32, eff. 7-1-03; 94-45, eff. 1-1-06.)

15 (625 ILCS 45/3-3) (from Ch. 95 1/2, par. 313-3)

16 Sec. 3-3. Identification number display.

17 A. The owner shall paint on or attach to both sides of the
18 bow (front) of a watercraft the identification number, which
19 shall be of block characters at least 3 inches in height. The
20 figures shall read from left to right, be of contrasting color
21 to their background, and be maintained in a legible condition.
22 No other number shall be displayed on the bow of the boat. In
23 affixing the number to the boat, a space or a hyphen shall be
24 provided between the IL and the number and another space or
25 hyphen between the number and the letters which follow. On

1 vessels of unconventional design or constructed so that it is
2 impractical or impossible to display identification numbers in
3 a prominent position on the forward half of their hulls or
4 permanent substructures, numbers may be displayed in brackets
5 or fixtures firmly attached to the vessel. Exact positioning of
6 the numbers in brackets or protruding fixtures shall be
7 discretionary with vessel owners, providing the numbers are
8 placed on the forward half of the vessel and meet the standard
9 requirements for legibility, size, style and contrast with the
10 background.

11 B. A watercraft already covered by a number in full force
12 and effect which has been awarded to it pursuant to Federal law
13 is exempt from number display as prescribed by this Section.

14 C. All non-powered watercraft ~~canoes and kayaks~~ are exempt
15 from number display as prescribed by this Section.

16 (Source: P.A. 87-391.)

17 (625 ILCS 45/3-4) (from Ch. 95 1/2, par. 313-4)

18 Sec. 3-4. Destruction, sale, transfer or abandonment. The
19 owner of any watercraft shall within 15 days notify the
20 Department if the watercraft is destroyed or abandoned, or is
21 sold or transferred either wholly or in part to another person
22 or persons. In sale or transfer cases, the notice shall be
23 accompanied by a surrender of the certificate of number. In
24 destruction or abandonment cases, the notice shall be
25 accompanied by a surrender of the certificate of title. When

1 the surrender of the certificate is by reason of the watercraft
2 being destroyed or abandoned, the Department shall cancel the
3 certificate and enter such fact in its records. The Department
4 shall be notified in writing of any change of address. Should
5 the owner desire a new certificate of number, showing the new
6 address, he shall surrender his old certificate and notify the
7 Department of the new address, remitting \$1 to cover the
8 issuance of a new certificate of number. If the surrender is by
9 reason of a sale or transfer either wholly or in part to
10 another person or persons, the owner surrendering the
11 certificate shall state to the Department, under oath, the name
12 of the purchaser or transferee.

13 Non-powered watercraft are exempt from this Section.

14 (Source: P.A. 85-149.)

15 (625 ILCS 45/3-5) (from Ch. 95 1/2, par. 313-5)

16 Sec. 3-5. Transfer of Identification Number. The purchaser
17 of a watercraft shall, within 15 days after acquiring same,
18 make application to the Department for transfer to him of the
19 certificate of number issued to the watercraft giving his name,
20 address and the number of the boat. The purchaser shall apply
21 for a transfer-renewal for a fee as prescribed under Section
22 3-2 of this Act for approximately 3 years. All transfers will
23 bear June 30 expiration dates in the calendar year of
24 expiration. Upon receipt of the application and fee, together
25 with proof that any tax imposed under the Municipal Use Tax Act

1 or County Use Tax Act has been paid or that no such tax is owed,
2 the Department shall transfer the certificate of number issued
3 to the watercraft to the new owner.

4 Unless the application is made and fee paid, and proof of
5 payment of municipal use tax or county use tax or nonliability
6 therefor is made, within 30 days, the watercraft shall be
7 deemed to be without certificate of number and it shall be
8 unlawful for any person to operate the watercraft until the
9 certificate is issued.

10 Non-powered watercraft are exempt from this Section.

11 (Source: P.A. 87-1109.)

12 (625 ILCS 45/3-7.5 new)

13 Sec. 3-7.5. Replacement water usage sticker. If a water
14 usage sticker is lost, destroyed, or mutilated beyond
15 legibility, a new water usage sticker shall be required before
16 the non-powered watercraft is used on the waters of this State.

17 (625 ILCS 45/3-9) (from Ch. 95 1/2, par. 313-9)

18 Sec. 3-9. Certificate of Number. Every certificate of
19 number awarded pursuant to this Act shall continue in full
20 force and effect for approximately 3 years unless sooner
21 terminated or discontinued in accordance with this Act. All new
22 certificates issued will bear June 30 expiration dates in the
23 calendar year 3 years after the issuing date. Provided however,
24 that the Department may, for purposes of implementing this

1 Section, adopt rules for phasing in the issuance of new
2 certificates and provide for 1, 2 or 3 year expiration dates
3 and pro-rated payments or charges for each registration.

4 All certificates shall be renewed for 3 years from the
5 nearest June 30 for a fee as prescribed in Section 3-2 of this
6 Act. All certificates will be invalid after July 15 of the year
7 of expiration. All certificates expiring in a given year shall
8 be renewed between January 1 and June 30 of that year, in order
9 to allow sufficient time for processing.

10 The Department shall issue "registration expiration
11 decals" with all new certificates of number, all certificates
12 of number transferred and renewed and all certificates of
13 number renewed. The decals issued for each year shall be of a
14 different and distinct color from the decals of each other year
15 currently displayed. The decals shall be affixed to each side
16 of the bow of the watercraft, except for federally documented
17 vessels, in the manner prescribed by the rules and regulations
18 of the Department. Federally documented vessels shall have
19 decals affixed to the watercraft on each side of the federally
20 documented name of the vessel in the manner prescribed by the
21 rules and regulations of the Department.

22 The Department shall fix a day and month of the year on
23 which certificates of number due to expire shall lapse and no
24 longer be of any force and effect unless renewed pursuant to
25 this Act.

26 No number or registration expiration decal other than the

1 number awarded or the registration expiration decal issued to a
2 watercraft or granted reciprocity pursuant to this Act shall be
3 painted, attached, or otherwise displayed on either side of the
4 bow of such watercraft. A person engaged in the operation of a
5 licensed boat livery shall pay a fee as prescribed under
6 Section 3-2 of this Act for each watercraft used in the livery
7 operation.

8 A person engaged in the manufacture or sale of watercraft
9 of a type otherwise required to be numbered hereunder, upon
10 application to the Department upon forms prescribed by it, may
11 obtain certificates of number for use in the testing or
12 demonstrating of such watercraft upon payment of \$10 for each
13 registration. Certificates of number so issued may be used by
14 the applicant in the testing or demonstrating of watercraft by
15 temporary placement of the numbers assigned by such
16 certificates on the watercraft so tested or demonstrated.

17 Non-powered watercraft are exempt from this Section.

18 (Source: P.A. 87-798.)

19 (625 ILCS 45/3-11) (from Ch. 95 1/2, par. 313-11)

20 Sec. 3-11. Penalty. No person shall at any time falsely
21 alter or change in any manner a certificate of number or water
22 usage stamp issued under the provisions hereof, or falsify any
23 record required by this Act, or counterfeit any form of license
24 provided for by this Act.

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

1 (625 ILCS 45/3-12) (from Ch. 95 1/2, par. 313-12)

2 Sec. 3-12. Exemption from numbering provisions of this Act.
3 A watercraft shall not be required to be numbered under this
4 Act if it is:

5 A. A watercraft which has a valid marine document issued by
6 the United States Coast Guard, provided the owner of any such
7 vessel used upon the waters of this State for more than 60 days
8 in any calendar year shall be required to comply with the
9 registration requirements of Section 3-9 of this Act.

10 B. Already covered by a number in full force and effect
11 which has been awarded to it pursuant to Federal law or a
12 Federally-approved numbering system of another State, if such
13 boat will not be within this State for a period in excess of 60
14 consecutive days.

15 C. A watercraft from a country other than the United States
16 temporarily using the waters of this State.

17 D. A watercraft whose owner is the United States, a State
18 or a subdivision thereof, and used solely for official purposes
19 and clearly identifiable.

20 E. A vessel used exclusively as a ship's lifeboat.

21 F. A watercraft belonging to a class of boats which has
22 been exempted from numbering by the Department after such
23 agency has found that an agency of the Federal Government has a
24 numbering system applicable to the class of watercraft to which
25 the watercraft in question belongs and would be exempt from

1 numbering if it were subject to the Federal law.

2 G. Watercraft while competing in any race approved by the
3 Department under the provisions of Section 5-15 of this Act or
4 if the watercraft is designed and intended solely for racing
5 while engaged in navigation that is incidental to preparation
6 of the watercraft for the race. Preparation of the watercraft
7 for the race may be accomplished only after obtaining the
8 written authorization of the Department.

9 H. Non-powered, owned and operated on water completely
10 impounded on land belonging to the owner of the watercraft.
11 This Section does not apply to water controlled by a club or
12 association.

13 I. A non-powered watercraft. ~~A canoe or kayak which is~~
14 ~~owned by an organization which is organized and conducted on a~~
15 ~~not for profit basis with no personal profit inuring to anyone~~
16 ~~as a result of the operation.~~

17 (Source: P.A. 88-524.)

18 (625 ILCS 45/3A-16) (from Ch. 95 1/2, par. 313A-16)

19 Sec. 3A-16. Fees. Fees shall be paid according to the
20 following schedule:

| | | |
|----|--------------------------------------|-----------------------------|
| 21 | Certificate of title | <u>\$10</u> \$ 7 |
| 22 | Duplicate certificate of title | <u>7</u> 5 |
| 23 | Corrected certificate of title | <u>7</u> 5 |
| 24 | Search | <u>7</u> 5 |

25 (Source: P.A. 85-149.)

1

ARTICLE 95-95.

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Section 95-95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

9

10

Section 95-97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

11

ARTICLE 99.

12

13

Section 99-99. Effective date. This Act takes effect January 1, 2013."