



Rep. Monique D. Davis

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LRB098 09262 MGM 42847 a

1 AMENDMENT TO HOUSE BILL 2406

2 AMENDMENT NO. _____. Amend House Bill 2406 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Banking Act is amended by adding
5 Section 47.5 as follows:

6 (205 ILCS 5/47.5 new)

7 Sec. 47.5. Records and report; women-owned business,
8 minority-owned business, and small business.

9 (a) The purpose of this Section is to facilitate the
10 enforcement of fair lending laws and enable communities,
11 governmental entities, and creditors to identify business and
12 community development needs and opportunities of women-owned
13 businesses, minority-owned businesses, and small businesses.
14 For the purposes of this Section, "women-owned business",
15 "minority-owned business", and "small business" have the
16 meanings as given to those terms in the Dodd-Frank Wall Street

1 Reform and Consumer Protection Act.

2 (b) Subject to the requirements of this Section, for any
3 application to a financial institution for credit, the
4 financial institution shall:

5 (1) inquire whether the business is a women-owned
6 business, minority-owned business, or small business,
7 without regard to whether the application is received in
8 person, by mail, by telephone, by electronic mail or other
9 form of electronic transmission, or by any other means, and
10 whether the application is in response to a solicitation by
11 the financial institution; and

12 (2) maintain a record of the responses to the inquiries
13 separately from the application and accompanying
14 information on forms supplied by the Department.

15 Any applicant for credit may refuse to provide any
16 information requested pursuant to this subsection (b) in
17 connection with any application for credit.

18 (c) Where feasible, no loan underwriter or other officer or
19 employee of a financial institution, or any affiliate of a
20 financial institution, involved in making any determination
21 concerning an application for credit shall have access to any
22 information provided by the applicant pursuant to a request
23 under subsection (b) in connection with an application.

24 If a financial institution determines that a loan
25 underwriter or other officer, employee, or affiliate of a
26 financial institution involved in making any determination

1 concerning an application for credit should have access to any
2 information provided by the applicant pursuant to a request
3 under subsection (b), the financial institution shall provide
4 notice to the applicant of the access of the underwriter to the
5 information, along with notice that the financial institution
6 may not discriminate on the basis of the information.

7 (d) Each financial institution shall compile and maintain a
8 record of the information provided by any loan applicant
9 pursuant to a request under subsection (b) on forms supplied by
10 the Department.

11 Information compiled and maintained under subsection (b)
12 shall be itemized in order to clearly and conspicuously
13 disclose:

14 (1) the number of the application and the date on which
15 the application was received;

16 (2) the type and purpose of the loan or other credit
17 being applied for;

18 (3) the amount of the credit or credit limit applied
19 for and the amount of the credit transaction or the credit
20 limit approved for the applicant;

21 (4) the type of action taken with respect to the
22 application and the date of the action;

23 (5) the census tract in which the principal place of
24 business of the women-owned business, minority-owned
25 business, or small business loan applicant is located;

26 (6) the gross annual revenue of the business in the

1 last fiscal year of the women-owned business,
2 minority-owned business, or small business loan applicant
3 preceding the date of the application;

4 (7) the race, sex, and ethnicity of the principal
5 owners of the business; and

6 (8) any additional data that the Department determines
7 would aid in fulfilling the purposes of this Section.

8 (e) In compiling and maintaining any record of information
9 under this Section, a financial institution shall not include
10 in the record the name, specific address (other than the census
11 tract required by paragraph (5) of subsection (d)), telephone
12 number, electronic mail address, or any other personally
13 identifiable information concerning any individual who is, or
14 is connected with, the women-owned business, minority-owned
15 business, or small business loan applicant.

16 (f) The data required to be compiled and maintained under
17 this Section by the financial institution shall be submitted
18 annually to the Department. If the financial institution has
19 not received any credit applications from women-owned,
20 minority-owned, or small businesses, the financial institution
21 shall not be required to submit an annual report as required
22 under this Section.

23 (h) The Department shall adopt rules necessary to implement
24 this Section.

25 (i) This Section shall be operative only until the
26 effective date of the federal regulations implementing Section

1 1071 of the federal Dodd-Frank Wall Street Reform and Consumer
2 Protection Act.

3 Section 10. The Illinois Credit Union Act is amended by
4 adding Section 9.5 as follows:

5 (205 ILCS 305/9.5 new)

6 Sec. 9.5. Records and report; women-owned business,
7 minority-owned business, and small business.

8 (a) The purpose of this Section is to facilitate the
9 enforcement of fair lending laws and enable communities,
10 governmental entities, and creditors to identify business and
11 community development needs and opportunities of women-owned
12 businesses, minority-owned businesses, and small businesses.
13 For the purposes of this Section, "women-owned business",
14 "minority-owned business", and "small business" have the
15 meanings as given to those terms in the Dodd-Frank Wall Street
16 Reform and Consumer Protection Act.

17 (b) Subject to the requirements of this Section, for any
18 application to a credit union for credit, the credit union
19 shall:

20 (1) inquire whether the business is a women-owned
21 business, minority-owned business, or small business,
22 without regard to whether the application is received in
23 person, by mail, by telephone, by electronic mail or other
24 form of electronic transmission, or by any other means, and

1 whether the application is in response to a solicitation by
2 the credit union; and

3 (2) maintain a record of the responses to the inquiries
4 separately from the application and accompanying
5 information on forms supplied by the Department.

6 Any applicant for credit may refuse to provide any
7 information requested pursuant to this subsection (b) in
8 connection with any application for credit.

9 (c) Where feasible, no loan underwriter or other officer or
10 employee of a credit union, or any affiliate of a credit union,
11 involved in making any determination concerning an application
12 for credit shall have access to any information provided by the
13 applicant pursuant to a request under subsection (b) in
14 connection with an application.

15 If a credit union determines that a loan underwriter or
16 other officer, employee, or affiliate of a credit union
17 involved in making any determination concerning an application
18 for credit should have access to any information provided by
19 the applicant pursuant to a request under subsection (b), the
20 credit union shall provide notice to the applicant of the
21 access of the underwriter to the information, along with notice
22 that the credit union may not discriminate on the basis of the
23 information.

24 (d) Each credit union shall compile and maintain a record
25 of the information provided by any loan applicant pursuant to a
26 request under subsection (b) on forms supplied by the

1 Department.

2 Information compiled and maintained under subsection (b)
3 shall be itemized in order to clearly and conspicuously
4 disclose:

5 (1) the number of the application and the date on which
6 the application was received;

7 (2) the type and purpose of the loan or other credit
8 being applied for;

9 (3) the amount of the credit or credit limit applied
10 for and the amount of the credit transaction or the credit
11 limit approved for the applicant;

12 (4) the type of action taken with respect to the
13 application and the date of the action;

14 (5) the census tract in which the principal place of
15 business of the women-owned business, minority-owned
16 business, or small business loan applicant is located;

17 (6) the gross annual revenue of the business in the
18 last fiscal year of the women-owned business,
19 minority-owned business, or small business loan applicant
20 preceding the date of the application;

21 (7) the race, sex, and ethnicity of the principal
22 owners of the business; and

23 (8) any additional data that the Department determines
24 would aid in fulfilling the purposes of this Section.

25 (e) In compiling and maintaining any record of information
26 under this Section, a credit union shall not include in the

1 record the name, specific address (other than the census tract
2 required by paragraph (5) of subsection (d)), telephone number,
3 electronic mail address, or any other personally identifiable
4 information concerning any individual who is, or is connected
5 with, the women-owned business, minority-owned business, or
6 small business loan applicant.

7 (f) The data required to be compiled and maintained under
8 this Section by the credit union shall be submitted annually to
9 the Department. If the credit union has not received any credit
10 applications from women-owned, minority-owned, or small
11 businesses, the credit union shall not be required to submit an
12 annual report as required under this Section.

13 (h) The Department shall adopt rules necessary to implement
14 this Section.

15 (i) This Section shall be operative only until the
16 effective date of the federal regulations implementing Section
17 1071 of the federal Dodd-Frank Wall Street Reform and Consumer
18 Protection Act.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.".