



Sen. Don Harmon

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1 AMENDMENT TO HOUSE BILL 3784

2 AMENDMENT NO. _____. Amend House Bill 3784, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Currency Exchange Act is amended by
6 changing Sections 1, 3, 3.3, 4.1, 5, 8, 9, 10, 11, 15, and 18 as
7 follows:

8 (205 ILCS 405/1) (from Ch. 17, par. 4802)

9 Sec. 1. Definitions; application of Act.

10 (a) For the purposes of this Act:

11 "Community currency exchange" means any person, firm,
12 association, partnership, limited liability company, or
13 corporation, except an ambulatory currency exchange as
14 hereinafter defined, banks incorporated under the laws of this
15 State and National Banks organized pursuant to the laws of the
16 United States, engaged in the business or service of, and

1 providing facilities for, cashing checks, drafts, money orders
2 or any other evidences of money acceptable to such community
3 currency exchange, for a fee or service charge or other
4 consideration, or engaged in the business of selling or issuing
5 money orders under his or their or its name, or any other money
6 orders (other than United States Post Office money orders,
7 Postal Telegraph Company money orders, or Western Union
8 Telegraph Company money orders), or engaged in both such
9 businesses, or engaged in performing any one or more of the
10 foregoing services.

11 "Controlling person" means an officer, director, or person
12 owning or holding power to vote 10% or more of the outstanding
13 voting securities of a licensee or the power to vote the
14 securities of another controlling person of the licensee. For
15 the purposes of determining the percentage of a licensee
16 controlled by a controlling person, the person's interest shall
17 be combined with the interest of any other person controlled,
18 directly or indirectly, by that person or by a spouse, parent,
19 or child of that person.

20 "Department" means the Department of Financial and
21 Professional Regulation.

22 "Director" means the Director of the Division of Financial
23 Institutions of the Department of Financial and Professional
24 Regulation.

25 "Division of Financial Institutions" means the Division of
26 Financial Institutions of the Department of Financial and

1 Professional Regulation.

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

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

14 "Secretary" means the Secretary of Financial and
15 Professional Regulation or a person authorized by the Secretary
16 or this Act to act in the Secretary's stead. All references in
17 this Act to the Secretary shall be deemed to include the
18 Director, as a person authorized by the Secretary or this Act
19 to assume responsibility for the oversight of the functions of
20 the Department relative to the regulatory supervision of
21 community currency exchanges and ambulatory currency exchanges
22 under this Act.

23 (b) Nothing in this Act shall be held to apply to any
24 person, firm, association, partnership, limited liability
25 company, or corporation who is engaged primarily in the
26 business of transporting for hire, bullion, currency,

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

18 (Source: P.A. 97-315, eff. 1-1-12.)

19 (205 ILCS 405/3) (from Ch. 17, par. 4804)

20 Sec. 3. Powers of community currency exchanges. No
21 community or ambulatory currency exchange shall be permitted to
22 accept money or evidences of money as a deposit to be returned
23 to the depositor or upon the depositor's order. No community or
24 ambulatory currency exchange shall be permitted to act as
25 bailee or agent for persons, firms, partnerships, limited

1 liability companies, associations or corporations to hold
2 money or evidences thereof or the proceeds therefrom for the
3 use and benefit of the owners thereof, and deliver such money
4 or proceeds of evidence of money upon request and direction of
5 such owner or owners. Nothing in this Act shall prevent a
6 currency exchange from accepting any check without regard to
7 the date imprinted on the check, subject to Section 4-404 of
8 the Uniform Commercial Code, as long as the check is
9 immediately cashed, deposited, and processed in the ordinary
10 course of business. A community or ambulatory currency exchange
11 is permitted to engage in, and charge a fee for, the following
12 activities, either directly or as a third-party agent: (i)
13 cashing of checks, drafts, money orders, or any other evidences
14 of money acceptable to the currency exchange, (ii) selling or
15 issuing money orders, (iii) obtaining reports, certificates,
16 governmental permits, licenses, and vital statistics and the
17 preparation of necessary applications to obtain the same, (iv)
18 the sale and distribution of bond cards, (v) obtaining,
19 distributing, providing, or selling: State vehicle
20 registration renewals, title transfers and tax remittance
21 forms, city vehicle licenses, and other governmental services,
22 (vi) photocopying and sending and receiving facsimile
23 transmissions, (vii) notary service either by the proprietor of
24 the currency exchange or any currency exchange employee,
25 authorized by the State to act as a notary public, (viii)
26 issuance of travelers checks obtained by the currency exchange

1 from a banking institution under a trust receipt, (ix)
2 accepting for payment utility and other companies' bills, (x)
3 issuance and acceptance of any third-party debit, credit, or
4 stored value card and loading or unloading, (xi) on-premises
5 automated cash dispensing machines, (xii) sale of rolled coin
6 and paper money, (xiii) exchange of foreign currency through a
7 third-party, (xiv) sale of cards, passes, or tokens for public
8 transit, (xv) providing mail box service, (xvi) sale of phone
9 cards and other pre-paid telecommunication services, (xvii)
10 on-premises public telephone, (xviii) sale of U.S. postage,
11 (xix) money transmission through a licensed third-party money
12 transmitter, (xx) sale of candy, gum, other packaged foods,
13 soft drinks, and other products and services by means of
14 on-premises vending machines and self-service automated
15 terminals, and (xxi) transmittal of documents or information
16 upon the request of a consumer, (xxii) advertising upon and
17 about the premises and distribution to consumers of advertising
18 and other materials of any legal product or service that is not
19 misleading to the public, (xxiii) providing consumers with the
20 service of third-party travel reservations and ticketing
21 services, and (xxiv) other products and services as may be
22 approved by the Secretary. Any community or ambulatory currency
23 exchange may enter into agreements with any utility and other
24 companies to act as the companies' agent for the acceptance of
25 payment of utility and other companies' bills without charge to
26 the customer and, acting under such agreement, may receipt for

1 payments in the names of the utility and other companies. Any
2 community or ambulatory currency exchange may also receive
3 payment of utility and other companies' bills for remittance to
4 companies with which it has no such agency agreement and may
5 charge a fee for such service but may not, in such cases, issue
6 a receipt for such payment in the names of the utility and
7 other companies. However, funds received by currency exchanges
8 for remittance to utility and other companies with which the
9 currency exchange has no agency agreement shall be forwarded to
10 the appropriate utility and other companies by the currency
11 exchange before the end of the next business day.

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

18 (Source: P.A. 97-315, eff. 1-1-12.)

19 (205 ILCS 405/3.3) (from Ch. 17, par. 4807)

20 Sec. 3.3. Additional public services.

21 (a) Nothing in this Act shall prevent the Secretary from
22 authorizing a currency exchange, group of currency exchanges,
23 or association of currency exchanges to render additional
24 services to the public if the services are consistent with the
25 provisions of this Act, are within its meaning, are in the best

1 interest of the public, and benefit the general welfare. A
2 currency exchange, group of currency exchanges, or association
3 of currency exchanges must request, in writing, the Secretary's
4 approval of the additional service prior to rendering such
5 additional service to the public. Any approval under this
6 Section shall be deemed an approval for all currency exchanges.
7 Any currency exchange wishing to provide an additional service
8 previously approved by the Secretary must provide written
9 notice, on a form provided by the Department and available on
10 its website, to the Secretary 30 days prior to offering the
11 approved additional service to the public. The Secretary may
12 charge an additional service investigation fee of \$500 per
13 application for a new additional service request. The
14 additional service request shall be on a form provided by the
15 Department and available on the Department's website. Within 15
16 days after receipt by the Department of an additional service
17 request, the Secretary shall examine the additional service
18 request for completeness and notify the requester of any
19 defect. The requester must remedy the defect within 10 days
20 after the mailing of the notification of the defect by the
21 Secretary. Failure to remedy the defect within such time will
22 void the additional service request. If the Secretary
23 determines that the additional service request is complete, the
24 Secretary shall have 60 business days to approve or deny the
25 additional service request. If the additional service request
26 is denied, the Secretary shall send by United States mail

1 notice of the denial to the requester at the address set forth
2 in the additional service request, together with the reasons
3 therefor stated with particularity that the additional service
4 is not consistent with the provisions of this Act or in the
5 best interest of the public and does not benefit the general
6 welfare. If an additional service request is denied, the
7 requester may, within 10 days after receipt of the denial, make
8 a written request to the Secretary for a hearing on the
9 additional service request denial. The hearing shall be set for
10 a date after the receipt by the Secretary of the request for a
11 hearing, and written notice of the time and place of the
12 hearing shall be mailed to the requester no later than 15 days
13 before the date of the hearing. The hearing shall be scheduled
14 for a date within 56 days after the date of the receipt of the
15 request for a hearing. The requester shall pay the actual cost
16 of making the transcript of the hearing prior to the
17 Secretary's issuing his or her decision following the hearing.
18 If the Secretary denies the request for a new additional
19 service, a currency exchange shall not offer the new additional
20 service until a final administrative order has been entered
21 permitting a currency exchange to offer the service. The
22 Secretary's decision may be subject to review as provided in
23 Section 22.01 of this Act. If the Secretary revokes a
24 previously approved authorization for an additional service
25 request, the Secretary shall provide written notice to all
26 affected currency exchange licensees, together with the

1 reasons therefor stated with particularity, that the
2 additional service is no longer consistent with the provisions
3 of this Act or in the best interest of the public and does not
4 benefit the general welfare. Upon receipt of the revocation
5 notice, a currency exchange licensee, group of currency
6 exchange licensees, or association of currency exchanges shall
7 have 10 days to make a written request to the Secretary for a
8 hearing, and the Department shall have 30 business days to
9 schedule a future hearing. Written notice of the time and place
10 of the hearing shall be mailed to the licensee no later than 10
11 business days before the date of the hearing. The licensee
12 shall pay the actual cost of making the transcript prior to the
13 Secretary's issuing his or her decision following the hearing.
14 The Secretary's decision is subject to review as provided in
15 Section 22.01 of this Act.

16 (b) (Blank).

17 (c) If the Secretary revokes authorization for a previously
18 approved additional service, the currency exchange may
19 continue to offer the additional service until a final
20 administrative order has been entered revoking the licensee's
21 previously approved authorization.

22 (Source: P.A. 97-315, eff. 1-1-12; 97-1111, eff. 8-27-12.)

23 (205 ILCS 405/4.1) (from Ch. 17, par. 4809)

24 Sec. 4.1. Application; investigation; community need.

25 (a) The General Assembly finds and declares that community

1 currency exchanges provide important and vital services to
2 Illinois citizens, that the number of community currency
3 exchanges should be limited in accordance with the needs of the
4 communities they are to serve, and that it is in the public
5 interest to promote and foster the community currency exchange
6 business and to insure the financial stability thereof.

7 (b) Upon receipt of an application for a license for a
8 community currency exchange, the Secretary shall cause an
9 investigation to determine:

10 (1) ~~of~~ the need of the community for the establishment
11 of a community currency exchange at the location specified
12 in the application; and

13 (2) the effect that granting the license will have on
14 the financial stability of other community currency
15 exchanges that may be serving the community in which the
16 business of the applicant is proposed to be conducted.

17 (c) "Community", as used in this Act, means a locality
18 where there may or can be available to the people thereof the
19 services of a community currency exchange reasonably
20 accessible to them, but in no case less than a one-half mile
21 radius from the location specified in an application for a
22 license for a community currency exchange.

23 (d) If the issuance of a license to engage in the community
24 currency exchange business at the location specified will not
25 promote the needs and the convenience and advantage of the
26 community in which the business of the applicant is proposed to

1 be conducted or would have a material and negative effect upon
2 the financial stability of other currency exchanges as
3 described in paragraph (2) of subsection (b) of this Section,
4 then the application shall be denied. Notwithstanding any other
5 provision contained in this Section, the Secretary shall not
6 approve an application to operate a new community currency
7 exchange within a one-half mile radius of any existing licensee
8 located in any municipality with a population exceeding 500,000
9 or within a one mile radius of any existing licensee located in
10 any municipality with a population less than 500,000. This
11 provision shall not require the Secretary to deny any
12 application:

13 (1) from the purchaser of the place of business of a
14 licensee that was licensed before the effective date of
15 this amendatory Act of the 98th General Assembly if the
16 purchaser will operate at the specific location occupied by
17 the existing licensee, or within 600 feet of that location;

18 (2) from a licensee requesting to relocate to within
19 600 feet of the address currently occupied by the licensee;
20 or

21 (3) from an applicant providing written waivers from
22 all existing licensees within the distance limits set forth
23 in this Section.

24 For the purposes of this subsection (d), a community
25 currency exchange business will promote the needs and the
26 convenience and advantage of the community if it will provide a

1 benefit to that community.

2 (e) As a part of the investigation, the Secretary shall,
3 within 10 business days after receipt of an application, notify
4 in writing all currency exchanges as described in paragraph (2)
5 of subsection (b) of this Section of the application and the
6 proposed location. Within 10 business days after the notice,
7 any currency exchange as described in paragraph (2) of
8 subsection (b) of this Section shall notify the Secretary it
9 intends to protest the application. If the currency exchange
10 intends to protest the application, then the currency exchange
11 shall, within 30 days after notifying the Secretary, provide
12 the Secretary with any information requested to substantiate
13 that granting the license would have a material and negative
14 effect upon the financial stability of the existing currency
15 exchange. Once the investigation is complete, the Secretary
16 shall, within 10 business days thereafter, notify any currency
17 exchange as described in paragraph (2) of subsection (b) of
18 this Section of the determination to approve or deny the
19 application. The determination shall sufficiently detail the
20 facts that led to the determination.

21 (Source: P.A. 97-315, eff. 1-1-12.)

22 (205 ILCS 405/5) (from Ch. 17, par. 4812)

23 Sec. 5. Bond; condition; amount.

24 (a) Before any license shall be issued to a community
25 currency exchange the applicant shall file annually with and

1 have approved by the Secretary a surety bond, issued by a
2 bonding company authorized to do business in this State in the
3 principal sum of \$25,000. Such bond shall run to the Secretary
4 and shall be for the benefit of any creditors of such currency
5 exchange for any liability incurred by the currency exchange on
6 any money orders, including any fees and penalties incurred by
7 the remitter should the money order be returned unpaid, issued
8 or sold by the currency exchange in the ordinary course of its
9 business and for any liability incurred by the currency
10 exchange for any sum or sums due to any payee or endorsee of
11 any check, draft or money order left with the currency exchange
12 in the ordinary course of its business for collection, and for
13 any liability to the public incurred by the currency exchange
14 in the ordinary course of its business in connection with the
15 rendering of any of the services referred to in Section 3 of
16 this Act.

17 To protect the public and allow for the effective
18 underwriting of bonds, the surety bond shall not cover money
19 orders issued and other liabilities incurred by a currency
20 exchange for its own account or that of its controlling
21 persons, including money orders issued or liabilities incurred
22 by the currency exchange to obtain cash for its own operations,
23 to pay for the currency exchange's own bills or liabilities or
24 that of its controlling persons, or to obtain things of value
25 for the currency exchange or its controlling persons,
26 regardless of whether such things of value are used in the

1 currency exchange's operations or sold by the currency
2 exchange.

3 From time to time the Secretary may determine the amount of
4 liabilities as described herein and shall require the licensee
5 to file a bond in an additional sum if the same is determined
6 to be necessary in accordance with the requirements of this
7 Section. In no case shall the bond be less than the initial
8 \$25,000, nor more than the outstanding liabilities.

9 (b) In lieu of the surety bond requirements of subsection
10 (a), a community currency exchange licensee may submit evidence
11 satisfactory to the Secretary that the community currency
12 exchange licensee is covered by a blanket bond that covers
13 multiple licensees who are members of a statewide association
14 of community currency exchanges. Such a blanket bond must be
15 issued by a bonding company authorized to do business in this
16 State and in a principal aggregate sum of not less than
17 \$3,000,000 as of May 1, 2012, and not less than \$4,000,000 as
18 of May 1, 2014.

19 (c) An ambulatory currency exchange may sell or issue money
20 orders at any location with regard to which it is issued a
21 license pursuant to this Act, including existing licensed
22 locations, without the necessity of a further application or
23 hearing and without regard to any exceptions contained in
24 existing licenses, upon the filing with the Secretary of a
25 surety bond approved by the Secretary and issued by a bonding
26 company or insurance company authorized to do business in

1 Illinois, in the principal sum of \$100,000. Such bond may be a
2 blanket bond covering all locations at which the ambulatory
3 currency exchange may sell or issue money orders, and shall run
4 to the Secretary for the use and benefit of any creditors of
5 such ambulatory currency exchange for any liability incurred by
6 the ambulatory currency exchange on any money orders issued or
7 sold by it to the public in the ordinary course of its
8 business. Such bond shall be renewed annually. If after the
9 expiration of one year from the date of approval of such bond
10 by the Secretary, it shall appear that the average amount of
11 such liability during the year has exceeded \$100,000, the
12 Secretary shall require the licensee to furnish a bond for the
13 ensuing year, to be approved by the Secretary, for an
14 additional principal sum of \$1,000 for each \$1,000 of such
15 liability or fraction thereof in excess of the original
16 \$100,000, except that the maximum amount of such bond shall not
17 be required to exceed \$250,000.

18 (Source: P.A. 97-315, eff. 1-1-12.)

19 (205 ILCS 405/8) (from Ch. 17, par. 4815)

20 Sec. 8. A community or an ambulatory currency exchange
21 shall not be conducted as a department of another business. It
22 must be an entity, financed and conducted as a separate
23 business unit. This shall not prevent a community or an
24 ambulatory currency exchange from leasing a part of the
25 premises of another business for the conduct of this business

1 on the same premises; provided, that no community currency
2 exchange shall be conducted on the same premises with a
3 business whose chief source of revenue is derived from the sale
4 of alcoholic liquor; and further provided, that all records of
5 the currency exchange shall be kept in a manner that is secure
6 and inaccessible from anyone not authorized by the currency
7 exchange for consumption on the premises; provided, further,
8 ~~that no community currency exchange hereafter licensed for the~~
9 ~~first time shall share any room with any other business, trade~~
10 ~~or profession nor shall it occupy any room from which there is~~
11 ~~direct access to a room occupied by any other business, trade~~
12 ~~or profession.~~

13 (Source: Laws 1951, p. 562.)

14 (205 ILCS 405/9) (from Ch. 17, par. 4816)

15 Sec. 9. No community or ambulatory currency exchange shall
16 issue tokens to be used in lieu of money for the purchase of
17 goods or services from any enterprise, ~~except that currency~~
18 ~~exchanges may engage in the distribution of food stamps as~~
19 ~~authorized by Section 3.2.~~

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

21 (205 ILCS 405/10) (from Ch. 17, par. 4817)

22 Sec. 10. Qualifications of applicant; denial of license;
23 review. The applicant, and its controlling persons ~~officers,~~
24 ~~directors and stockholders, if a corporation, and its managers~~

1 ~~and members, if a liability company,~~ shall be vouched for by 2
2 reputable citizens of this State setting forth that the
3 individual mentioned is (a) personally known to them to be
4 trustworthy and reputable, (b) that he has business experience
5 qualifying him to competently conduct, operate, own or become
6 associated with a currency exchange, (c) that he has a good
7 business reputation and is worthy of a license. Thereafter, the
8 Secretary shall, upon approval of the application filed with
9 him, issue to the applicant, qualifying under this Act, a
10 license to operate a currency exchange. If it is a license for
11 a community currency exchange, the same shall be valid only at
12 the place of business specified in the application. If it is a
13 license for an ambulatory currency exchange, it shall entitle
14 the applicant to operate only at the location or locations
15 specified in the application, provided the applicant shall
16 secure separate and additional licenses for each of such
17 locations. Such licenses shall remain in full force and effect,
18 until they are surrendered by the licensee, or revoked, or
19 expire, as herein provided. If the Secretary shall not so
20 approve, he shall not issue such license or licenses and shall
21 notify the applicant of such denial, retaining the full
22 investigation fee to cover the cost of investigating the
23 community currency exchange applicant. The Secretary shall
24 approve or deny every application hereunder within 90 days from
25 the filing of a complete application; except that in respect to
26 an application by an approved ambulatory currency exchange for

1 a license with regard to a particular location to be served by
2 it, the same shall be approved or denied within 20 days from
3 the filing thereof. If the application is denied, the Secretary
4 shall send by United States mail notice of such denial to the
5 applicant at the address set forth in the application.

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

25 (Source: P.A. 97-315, eff. 1-1-12.)

1 (205 ILCS 405/11) (from Ch. 17, par. 4819)

2 Sec. 11. Such license, if issued for a community currency
3 exchange, shall state the name of the licensee and the address
4 at which the business is to be conducted. Such license, or ~~and~~
5 its annual renewal, shall be kept conspicuously posted in the
6 place of business of the licensee and shall not be transferable
7 or assignable. If issued for an ambulatory currency exchange,
8 it shall so state, and shall state the name and office address
9 of the licensee, and the name and address of the location or
10 locations to be served by the licensee, and shall not be
11 transferable and assignable.

12 (Source: P.A. 97-315, eff. 1-1-12.)

13 (205 ILCS 405/15) (from Ch. 17, par. 4824)

14 Sec. 15. The Secretary may, after 15 business days notice
15 by registered or certified mail to the licensee at the address
16 set forth in the license, or to such other address or method as
17 previously designated by the licensee, stating the
18 contemplated action and in general the grounds therefore, fine
19 the licensee ~~an amount not exceeding \$1,000 per violation~~ or
20 revoke or suspend any license issued if he or she finds that:

21 (a) the licensee has failed to pay the annual license
22 fee or to maintain in effect the required bond or bonds or
23 insurance policy or policies; or

24 (b) the licensee has failed to comply with any
25 provision of this Act or any order, decision, finding,

1 rule, regulation, or direction of the Secretary lawfully
2 made under the authority of this Act; or

3 (c) the licensee has violated any provision of this Act
4 or any regulation or direction made by the Secretary under
5 this Act; or

6 (d) any fact or condition exists which, if it had
7 existed at the time of the original application for such
8 license, would have warranted the Secretary in refusing the
9 issuance of the license; or

10 (e) the licensee has not operated the currency exchange
11 or at the location licensed, for a period of 60 consecutive
12 days, unless the licensee was prevented from operating
13 during such period by reason of events or acts beyond the
14 licensee's control.

15 The Secretary's authority to fine a licensee or suspend or
16 revoke licenses under this Section is subject to the following:

17 (1) The notice shall state (A) the specific nature and
18 a clear and concise description of the violation, (B) the
19 Sections of this Act or rules that have been violated, (C)
20 the contemplated fine or action, (D) that the licensee may,
21 within 15 business days from the date of the notice,
22 request a hearing pursuant to Section 22.01 of this Act,
23 (E) that the licensee may, within 15 business days after
24 the notice, take corrective action to mitigate any fine or
25 contemplated action, and (F) the specific corrective
26 action to be taken.

1 (2) In the event the licensee requests, in writing to
2 the Secretary and within 15 business days after the notice,
3 a hearing on the fine or contemplated action, the matter
4 shall be heard pursuant to Section 22.01 of this Act, any
5 finances or contemplated action shall be stayed, and no fines
6 shall accrue during the pendency of the hearing.

7 (3) In the event the licensee takes the corrective
8 action set forth in the notice within the time specified,
9 the licensee shall certify the corrective action in writing
10 to the Secretary, who may then confirm the corrective
11 action by conducting a follow-up investigation within 30
12 days of the date of the certification and if the Secretary
13 confirms the corrective action is complete, the
14 contemplated fine or action shall be dismissed and the
15 Secretary may assess an examination charge not to exceed
16 \$175. Corrective action taken by a licensee shall not serve
17 to mitigate any contemplated fine or action if such
18 violation is an impairment or is substantially similar to a
19 violation committed by the licensee at the specific
20 location within the previous 36 months.

21 Consistent with the provisions of this Act, the Secretary
22 may, after weighing any harm to the public, the seriousness of
23 the offense, and the history of the licensee, fine a licensee
24 an amount graduated up to \$1,000 per violation. No later than
25 September 1, 2015, the Department shall adopt rules to
26 determine which offending acts shall be considered a single

1 violation and which offending acts shall be treated as separate
2 violations and shall set corresponding fines for each class of
3 violation, not to exceed \$1,000 per violation.

4 No license shall be revoked until the licensee has had
5 notice of a hearing on the proposed revocation and an
6 opportunity to be heard. When any license is revoked in this
7 manner, the Secretary shall, within 20 days, prepare and keep
8 on file in his or her office, a written order or decision of
9 revocation that shall contain his or her findings and the
10 reasons supporting the revocation. The Secretary shall send a
11 copy of the order, finding, or decision of revocation by United
12 States mail to the licensee at the address set forth in the
13 license within 5 days after the filing in his or her office of
14 the order, finding, or decision. A review of any such order,
15 finding, or decision is available under Section 22.01 of this
16 Act.

17 The Secretary may fine, suspend or revoke only the
18 particular license or licenses for particular places of
19 business or locations with respect to which grounds for
20 revocation may occur or exist; except that if he shall find
21 that such grounds for revocation are of general application to
22 all places of business or locations, or that such grounds for
23 fines, suspension or revocation have occurred or exist with
24 respect to a substantial number of places of business or
25 locations, he may fine, suspend or revoke all of the licenses
26 issued to such licensee.

1 An order assessing a fine, an order revoking or suspending
2 a license, or an order denying renewal of a license shall take
3 effect on service of the order unless the licensee requests a
4 hearing pursuant to this Section ~~, in writing, within 15 days~~
5 ~~after the date of service. In the event a hearing is requested,~~
6 ~~the order shall be stayed until a final administrative order is~~
7 ~~entered.~~ If the licensee requests a hearing, the Secretary
8 shall schedule a hearing within 30 days after the request for a
9 hearing unless otherwise agreed to by the parties. The hearing
10 shall be held at the time and place designated by the
11 Secretary.

12 The Secretary and any administrative law judge designated
13 by him or her shall have the power to administer oaths and
14 affirmations, subpoena witnesses and compel their attendance,
15 take evidence, and require the production of books, papers,
16 correspondence, and other records or information that he or she
17 considers relevant or material to the inquiry.

18 In case of contumacy or refusal of a witness to obey a
19 subpoena, any circuit court of this State whose jurisdiction
20 encompasses where the hearing is located may issue an order
21 requiring such witness to appear before the Secretary or the
22 hearing officer, to produce documentary evidence, or to give
23 testimony touching the matter in question; and the court may
24 punish any failures to obey such orders of the court as
25 contempt.

26 A licensee may surrender any license by delivering to the

1 Secretary written notice that he, they or it thereby surrenders
2 such license, but such surrender shall not affect such
3 licensee's civil or criminal liability for acts committed prior
4 to such surrender, or affect the liability on his, their or its
5 bond or bonds, or his, their or its policy or policies of
6 insurance, required by this Act, or entitle such licensee to a
7 return of any part of the annual license fee or fees.

8 Every license issued hereunder shall remain in force until
9 the same shall expire, or shall have been surrendered,
10 suspended or revoked in accordance with this Act, but the
11 Secretary may on his own motion, issue new licenses to a
12 licensee whose license or licenses shall have been revoked if
13 no fact or condition then exists which clearly would have
14 warranted the Secretary in refusing originally the issuance of
15 such license under this Act.

16 (Source: P.A. 97-315, eff. 1-1-12.)

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

18 Sec. 18. Proof of address. The applicant for a community
19 currency exchange license shall have a permanent address as
20 evidenced by a lease of at least 6 ~~six~~ months duration or other
21 suitable evidence of permanency, and the license issued,
22 pursuant to the application shall be valid only at that address
23 or any new address approved by the Secretary. A letter of
24 intent for a lease shall suffice for inclusion with the
25 application, and evidence of an executed lease shall be

1 considered ministerial in nature, to be furnished once the
2 investigation is completed, the approval final, and prior to
3 the issuance of the license.

4 (Source: P.A. 97-315, eff. 1-1-12.)".