



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB5609

by Rep. David Reis

#### SYNOPSIS AS INTRODUCED:

225 ILCS 45/3a

from Ch. 111 1/2, par. 73.103a

Amends the Illinois Funeral or Burial Funds Act. Removes a provision allowing the State Comptroller to refuse to issue, suspend, or revoke a license if an applicant or licensee engages in a lockout, as defined in the Employment of Strikebreakers Act, and the Comptroller has reason to believe the lockout is negatively impacting the consumer.

LRB098 16837 ZMM 51908 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Funeral or Burial Funds Act is  
5 amended by changing Section 3a as follows:

6 (225 ILCS 45/3a) (from Ch. 111 1/2, par. 73.103a)

7 Sec. 3a. Denial, suspension, or revocation of license.

8 (a) The Comptroller may refuse to issue or may suspend or  
9 revoke a license on any of the following grounds:

10 (1) The applicant or licensee has made any  
11 misrepresentations or false statements or concealed any  
12 material fact.

13 (2) The applicant or licensee is insolvent.

14 (3) The applicant or licensee has been engaged in  
15 business practices that work a fraud.

16 (4) The applicant or licensee has refused to give  
17 pertinent data to the Comptroller.

18 (5) The applicant or licensee has failed to satisfy any  
19 enforceable judgment or decree rendered by any court of  
20 competent jurisdiction against the applicant.

21 (6) The applicant or licensee has conducted or is about  
22 to conduct business in a fraudulent manner.

23 (7) The trust agreement is not in compliance with State

1 or federal law.

2 (8) The fidelity bond is not satisfactory to the  
3 Comptroller.

4 (9) As to any individual required to be listed in the  
5 license application, the individual has conducted or is  
6 about to conduct any business on behalf of the applicant in  
7 a fraudulent manner; has been convicted of any felony or  
8 misdemeanor, an essential element of which is fraud; has  
9 had a judgment rendered against him or her based on fraud  
10 in any civil litigation; has failed to satisfy any  
11 enforceable judgment or decree rendered against him or her  
12 by any court of competent jurisdiction; or has been  
13 convicted of any felony or any theft-related offense.

14 (10) The applicant or licensee, including any member,  
15 officer, or director thereof if the applicant or licensee  
16 is a firm, partnership, association or corporation and any  
17 shareholder holding more than 10% of the corporate stock,  
18 has violated any provision of this Act or any regulation,  
19 decision, order, or finding made by the Comptroller under  
20 this Act.

21 (11) The Comptroller finds any fact or condition  
22 existing which, if it had existed at the time of the  
23 original application for such license, would have  
24 warranted the Comptroller in refusing the issuance of the  
25 license.

26 ~~(12) If an applicant or licensee engages in a lockout,~~

1 ~~as defined in the Employment of Strikebreakers Act, and the~~  
2 ~~Comptroller has reason to believe the lockout is negatively~~  
3 ~~impacting the consumer.~~

4 (b) Before refusal to issue or renew and before suspension  
5 or revocation of a license, the Comptroller shall hold a  
6 hearing to determine whether the applicant or licensee,  
7 hereinafter referred to as the respondent, is entitled to hold  
8 such a license. At least 10 days prior to the date set for such  
9 hearing, the Comptroller shall notify the respondent in writing  
10 that on the date designated a hearing will be held to determine  
11 his eligibility for a license and that he may appear in person  
12 or by counsel. Such written notice may be served on the  
13 respondent personally, or by registered or certified mail sent  
14 to the respondent's business address as shown in his latest  
15 notification to the Comptroller. At the hearing, both the  
16 respondent and the complainant shall be accorded ample  
17 opportunity to present in person or by counsel such statements,  
18 testimony, evidence and argument as may be pertinent to the  
19 charges or to any defense thereto. The Comptroller may  
20 reasonably continue such hearing from time to time.

21 The Comptroller may subpoena any person or persons in this  
22 State and take testimony orally, by deposition or by exhibit,  
23 in the same manner and with the same fees and mileage  
24 allowances as prescribed in judicial proceedings in civil  
25 cases.

26 Any authorized agent of the Comptroller may administer

1 oaths to witnesses at any hearing which the Comptroller is  
2 authorized to conduct.

3 (Source: P.A. 98-613, eff. 12-27-13.)