



Rep. Frank J. Mautino

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09800SB1787ham001

LRB098 07430 MGM 49136 a

1 AMENDMENT TO SENATE BILL 1787

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1787 by replacing  
3 everything after the enacting clause with the following:

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

1           pertinent data to the Comptroller.

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

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

7           (7) The trust agreement is not in compliance with State  
8 or federal law.

9           (8) The fidelity bond is not satisfactory to the  
10 Comptroller.

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

21           (10) The applicant or licensee, including any member,  
22 officer, or director thereof if the applicant or licensee  
23 is a firm, partnership, association or corporation and any  
24 shareholder holding more than 10% of the corporate stock,  
25 has violated any provision of this Act or any regulation,  
26 decision, order, or finding made by the Comptroller under

1           this Act.

2           (11) The Comptroller finds any fact or condition  
3 existing which, if it had existed at the time of the  
4 original application for such license, would have  
5 warranted the Comptroller in refusing the issuance of the  
6 license.

7           (12) If an applicant or licensee engages in a lockout,  
8 as defined in the Employment of Strikebreakers Act, and the  
9 Comptroller has reason to believe the lockout is negatively  
10 impacting the consumer.

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

1 reasonably continue such hearing from time to time.

2 The Comptroller may subpoena any person or persons in this  
3 State and take testimony orally, by deposition or by exhibit,  
4 in the same manner and with the same fees and mileage  
5 allowances as prescribed in judicial proceedings in civil  
6 cases.

7 Any authorized agent of the Comptroller may administer  
8 oaths to witnesses at any hearing which the Comptroller is  
9 authorized to conduct.

10 (Source: P.A. 92-419, eff. 1-1-02.)

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law."