



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1906

Introduced 2/15/2013, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

30 ILCS 105/6z-26	
215 ILCS 5/408	from Ch. 73, par. 1020
215 ILCS 5/500-135	
225 ILCS 60/21	from Ch. 111, par. 4400-21

Amends the State Finance Act, the Medical Practice Act of 1987, and the Illinois Insurance Code. In provisions related to the Financial Institution Fund, Insurance Financial Regulation Fund, the Insurance Producer Administration Fund, and the Illinois State Medical Disciplinary Fund, provides that the appropriation Department shall calculate its administrative expenses related to the enforcement of the Acts associated with the funds and, as soon after those calculations are made as is practical, amounts in those funds that are in excess of those calculated administrative expenses shall be credited to licensees under those Acts for the following year. Effective immediately.

LRB098 08756 AMC 38881 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 State Finance Act is amended by changing
5 Section 6z-26 as follows:

6 (30 ILCS 105/6z-26)

7 Sec. 6z-26. The Financial Institution Fund. All moneys
8 received by the Department of Financial and Professional
9 Regulation under the Safety Deposit License Act, the Foreign
10 Exchange License Act, the Pawnors Societies Act, the Sale of
11 Exchange Act, the Currency Exchange Act, the Sales Finance
12 Agency Act, the Debt Management Service Act, the Consumer
13 Installment Loan Act, the Illinois Development Credit
14 Corporation Act, the Title Insurance Act, the Debt Settlement
15 Consumer Protection Act, the Debt Management Service Consumer
16 Protection Fund, and any other Act administered by the
17 Department of Financial and Professional Regulation as the
18 successor of the Department of Financial Institutions now or in
19 the future (unless an Act specifically provides otherwise)
20 shall be deposited in the Financial Institution Fund
21 (hereinafter "Fund"), a special fund that is hereby created in
22 the State Treasury.

23 Moneys in the Fund shall be used by the Department, subject

1 to appropriation, for expenses incurred in administering the
2 above named and referenced Acts.

3 The Comptroller and the State Treasurer shall transfer from
4 the General Revenue Fund to the Fund any monies received by the
5 Department after June 30, 1993, under any of the above named
6 and referenced Acts that have been deposited in the General
7 Revenue Fund.

8 As soon as possible after the end of each calendar year,
9 the Comptroller shall compare the balance in the Fund at the
10 end of the calendar year with the amount appropriated from the
11 Fund for the fiscal year beginning on July 1 of that calendar
12 year. If the balance in the Fund exceeds the amount
13 appropriated, the Comptroller and the State Treasurer shall
14 transfer from the Fund to the General Revenue Fund an amount
15 equal to the difference between the balance in the Fund and the
16 amount appropriated.

17 Notwithstanding any other provision of this Section, by
18 July 1, 2013 and each July 1 thereafter, the Department shall
19 calculate its administrative expenses related to the
20 enforcement of any of the Acts named and referenced in this
21 Section for the succeeding 2 fiscal years by averaging the
22 amount of administrative expenses for the immediately
23 preceding 2 fiscal years. As soon after those calculations are
24 made as is practical, any amount in the Financial Institution
25 Fund that is in excess of those calculated administrative
26 expenses attributable to that Act shall be credited to

1 licensees under that Act for the following year. The amount
2 credited to each licensee shall be in proportion of the license
3 fee paid by the licensee under that Act to the aggregate fees
4 paid by all licensees under that Act during that period.

5 Nothing in this Section shall be construed to prohibit
6 appropriations from the General Revenue Fund for expenses
7 incurred in the administration of the above named and
8 referenced Acts.

9 Moneys in the Fund may be transferred to the Professions
10 Indirect Cost Fund, as authorized under Section 2105-300 of the
11 Department of Professional Regulation Law of the Civil
12 Administrative Code of Illinois.

13 (Source: P.A. 96-1420, eff. 8-3-10.)

14 Section 10. The Illinois Insurance Code is amended by
15 changing Sections 408 and 500-135 as follows:

16 (215 ILCS 5/408) (from Ch. 73, par. 1020)

17 Sec. 408. Fees and charges.

18 (1) The Director shall charge, collect and give proper
19 acquittances for the payment of the following fees and charges:

20 (a) For filing all documents submitted for the
21 incorporation or organization or certification of a
22 domestic company, except for a fraternal benefit society,
23 \$2,000.

24 (b) For filing all documents submitted for the

1 incorporation or organization of a fraternal benefit
2 society, \$500.

3 (c) For filing amendments to articles of incorporation
4 and amendments to declaration of organization, except for a
5 fraternal benefit society, a mutual benefit association, a
6 burial society or a farm mutual, \$200.

7 (d) For filing amendments to articles of incorporation
8 of a fraternal benefit society, a mutual benefit
9 association or a burial society, \$100.

10 (e) For filing amendments to articles of incorporation
11 of a farm mutual, \$50.

12 (f) For filing bylaws or amendments thereto, \$50.

13 (g) For filing agreement of merger or consolidation:

14 (i) for a domestic company, except for a fraternal
15 benefit society, a mutual benefit association, a
16 burial society, or a farm mutual, \$2,000.

17 (ii) for a foreign or alien company, except for a
18 fraternal benefit society, \$600.

19 (iii) for a fraternal benefit society, a mutual
20 benefit association, a burial society, or a farm
21 mutual, \$200.

22 (h) For filing agreements of reinsurance by a domestic
23 company, \$200.

24 (i) For filing all documents submitted by a foreign or
25 alien company to be admitted to transact business or
26 accredited as a reinsurer in this State, except for a

1 fraternal benefit society, \$5,000.

2 (j) For filing all documents submitted by a foreign or
3 alien fraternal benefit society to be admitted to transact
4 business in this State, \$500.

5 (k) For filing declaration of withdrawal of a foreign
6 or alien company, \$50.

7 (l) For filing annual statement by a domestic company,
8 except a fraternal benefit society, a mutual benefit
9 association, a burial society, or a farm mutual, \$200.

10 (m) For filing annual statement by a domestic fraternal
11 benefit society, \$100.

12 (n) For filing annual statement by a farm mutual, a
13 mutual benefit association, or a burial society, \$50.

14 (o) For issuing a certificate of authority or renewal
15 thereof except to a foreign fraternal benefit society,
16 \$400.

17 (p) For issuing a certificate of authority or renewal
18 thereof to a foreign fraternal benefit society, \$200.

19 (q) For issuing an amended certificate of authority,
20 \$50.

21 (r) For each certified copy of certificate of
22 authority, \$20.

23 (s) For each certificate of deposit, or valuation, or
24 compliance or surety certificate, \$20.

25 (t) For copies of papers or records per page, \$1.

26 (u) For each certification to copies of papers or

1 records, \$10.

2 (v) For multiple copies of documents or certificates
3 listed in subparagraphs (r), (s), and (u) of paragraph (1)
4 of this Section, \$10 for the first copy of a certificate of
5 any type and \$5 for each additional copy of the same
6 certificate requested at the same time, unless, pursuant to
7 paragraph (2) of this Section, the Director finds these
8 additional fees excessive.

9 (w) For issuing a permit to sell shares or increase
10 paid-up capital:

11 (i) in connection with a public stock offering,
12 \$300;

13 (ii) in any other case, \$100.

14 (x) For issuing any other certificate required or
15 permissible under the law, \$50.

16 (y) For filing a plan of exchange of the stock of a
17 domestic stock insurance company, a plan of
18 demutualization of a domestic mutual company, or a plan of
19 reorganization under Article XII, \$2,000.

20 (z) For filing a statement of acquisition of a domestic
21 company as defined in Section 131.4 of this Code, \$2,000.

22 (aa) For filing an agreement to purchase the business
23 of an organization authorized under the Dental Service Plan
24 Act or the Voluntary Health Services Plans Act or of a
25 health maintenance organization or a limited health
26 service organization, \$2,000.

1 (bb) For filing a statement of acquisition of a foreign
2 or alien insurance company as defined in Section 131.12a of
3 this Code, \$1,000.

4 (cc) For filing a registration statement as required in
5 Sections 131.13 and 131.14, the notification as required by
6 Sections 131.16, 131.20a, or 141.4, or an agreement or
7 transaction required by Sections 124.2(2), 141, 141a, or
8 141.1, \$200.

9 (dd) For filing an application for licensing of:

10 (i) a religious or charitable risk pooling trust or
11 a workers' compensation pool, \$1,000;

12 (ii) a workers' compensation service company,
13 \$500;

14 (iii) a self-insured automobile fleet, \$200; or

15 (iv) a renewal of or amendment of any license
16 issued pursuant to (i), (ii), or (iii) above, \$100.

17 (ee) For filing articles of incorporation for a
18 syndicate to engage in the business of insurance through
19 the Illinois Insurance Exchange, \$2,000.

20 (ff) For filing amended articles of incorporation for a
21 syndicate engaged in the business of insurance through the
22 Illinois Insurance Exchange, \$100.

23 (gg) For filing articles of incorporation for a limited
24 syndicate to join with other subscribers or limited
25 syndicates to do business through the Illinois Insurance
26 Exchange, \$1,000.

1 (hh) For filing amended articles of incorporation for a
2 limited syndicate to do business through the Illinois
3 Insurance Exchange, \$100.

4 (ii) For a permit to solicit subscriptions to a
5 syndicate or limited syndicate, \$100.

6 (jj) For the filing of each form as required in Section
7 143 of this Code, \$50 per form. The fee for advisory and
8 rating organizations shall be \$200 per form.

9 (i) For the purposes of the form filing fee,
10 filings made on insert page basis will be considered
11 one form at the time of its original submission.
12 Changes made to a form subsequent to its approval shall
13 be considered a new filing.

14 (ii) Only one fee shall be charged for a form,
15 regardless of the number of other forms or policies
16 with which it will be used.

17 (iii) Fees charged for a policy filed as it will be
18 issued regardless of the number of forms comprising
19 that policy shall not exceed \$1,500. For advisory or
20 rating organizations, fees charged for a policy filed
21 as it will be issued regardless of the number of forms
22 comprising that policy shall not exceed \$2,500.

23 (iv) The Director may by rule exempt forms from
24 such fees.

25 (kk) For filing an application for licensing of a
26 reinsurance intermediary, \$500.

1 (11) For filing an application for renewal of a license
2 of a reinsurance intermediary, \$200.

3 (2) When printed copies or numerous copies of the same
4 paper or records are furnished or certified, the Director may
5 reduce such fees for copies if he finds them excessive. He may,
6 when he considers it in the public interest, furnish without
7 charge to state insurance departments and persons other than
8 companies, copies or certified copies of reports of
9 examinations and of other papers and records.

10 (3) The expenses incurred in any performance examination
11 authorized by law shall be paid by the company or person being
12 examined. The charge shall be reasonably related to the cost of
13 the examination including but not limited to compensation of
14 examiners, electronic data processing costs, supervision and
15 preparation of an examination report and lodging and travel
16 expenses. All lodging and travel expenses shall be in accord
17 with the applicable travel regulations as published by the
18 Department of Central Management Services and approved by the
19 Governor's Travel Control Board, except that out-of-state
20 lodging and travel expenses related to examinations authorized
21 under Section 132 shall be in accordance with travel rates
22 prescribed under paragraph 301-7.2 of the Federal Travel
23 Regulations, 41 C.F.R. 301-7.2, for reimbursement of
24 subsistence expenses incurred during official travel. All
25 lodging and travel expenses may be reimbursed directly upon
26 authorization of the Director. With the exception of the direct

1 reimbursements authorized by the Director, all performance
2 examination charges collected by the Department shall be paid
3 to the Insurance Producer ~~Producers~~ Administration Fund,
4 however, the electronic data processing costs incurred by the
5 Department in the performance of any examination shall be
6 billed directly to the company being examined for payment to
7 the Statistical Services Revolving Fund.

8 (4) At the time of any service of process on the Director
9 as attorney for such service, the Director shall charge and
10 collect the sum of \$20, which may be recovered as taxable costs
11 by the party to the suit or action causing such service to be
12 made if he prevails in such suit or action.

13 (5) (a) The costs incurred by the Department of Insurance
14 in conducting any hearing authorized by law shall be assessed
15 against the parties to the hearing in such proportion as the
16 Director of Insurance may determine upon consideration of all
17 relevant circumstances including: (1) the nature of the
18 hearing; (2) whether the hearing was instigated by, or for the
19 benefit of a particular party or parties; (3) whether there is
20 a successful party on the merits of the proceeding; and (4) the
21 relative levels of participation by the parties.

22 (b) For purposes of this subsection (5) costs incurred
23 shall mean the hearing officer fees, court reporter fees, and
24 travel expenses of Department of Insurance officers and
25 employees; provided however, that costs incurred shall not
26 include hearing officer fees or court reporter fees unless the

1 Department has retained the services of independent
2 contractors or outside experts to perform such functions.

3 (c) The Director shall make the assessment of costs
4 incurred as part of the final order or decision arising out of
5 the proceeding; provided, however, that such order or decision
6 shall include findings and conclusions in support of the
7 assessment of costs. This subsection (5) shall not be construed
8 as permitting the payment of travel expenses unless calculated
9 in accordance with the applicable travel regulations of the
10 Department of Central Management Services, as approved by the
11 Governor's Travel Control Board. The Director as part of such
12 order or decision shall require all assessments for hearing
13 officer fees and court reporter fees, if any, to be paid
14 directly to the hearing officer or court reporter by the
15 party(s) assessed for such costs. The assessments for travel
16 expenses of Department officers and employees shall be
17 reimbursable to the Director of Insurance for deposit to the
18 fund out of which those expenses had been paid.

19 (d) The provisions of this subsection (5) shall apply in
20 the case of any hearing conducted by the Director of Insurance
21 not otherwise specifically provided for by law.

22 (6) The Director shall charge and collect an annual
23 financial regulation fee from every domestic company for
24 examination and analysis of its financial condition and to fund
25 the internal costs and expenses of the Interstate Insurance
26 Receivership Commission as may be allocated to the State of

1 Illinois and companies doing an insurance business in this
2 State pursuant to Article X of the Interstate Insurance
3 Receivership Compact. The fee shall be the greater fixed amount
4 based upon the combination of nationwide direct premium income
5 and nationwide reinsurance assumed premium income or upon
6 admitted assets calculated under this subsection as follows:

7 (a) Combination of nationwide direct premium income
8 and nationwide reinsurance assumed premium.

9 (i) \$150, if the premium is less than \$500,000 and
10 there is no reinsurance assumed premium;

11 (ii) \$750, if the premium is \$500,000 or more, but
12 less than \$5,000,000 and there is no reinsurance
13 assumed premium; or if the premium is less than
14 \$5,000,000 and the reinsurance assumed premium is less
15 than \$10,000,000;

16 (iii) \$3,750, if the premium is less than
17 \$5,000,000 and the reinsurance assumed premium is
18 \$10,000,000 or more;

19 (iv) \$7,500, if the premium is \$5,000,000 or more,
20 but less than \$10,000,000;

21 (v) \$18,000, if the premium is \$10,000,000 or more,
22 but less than \$25,000,000;

23 (vi) \$22,500, if the premium is \$25,000,000 or
24 more, but less than \$50,000,000;

25 (vii) \$30,000, if the premium is \$50,000,000 or
26 more, but less than \$100,000,000;

1 (viii) \$37,500, if the premium is \$100,000,000 or
2 more.

3 (b) Admitted assets.

4 (i) \$150, if admitted assets are less than
5 \$1,000,000;

6 (ii) \$750, if admitted assets are \$1,000,000 or
7 more, but less than \$5,000,000;

8 (iii) \$3,750, if admitted assets are \$5,000,000 or
9 more, but less than \$25,000,000;

10 (iv) \$7,500, if admitted assets are \$25,000,000 or
11 more, but less than \$50,000,000;

12 (v) \$18,000, if admitted assets are \$50,000,000 or
13 more, but less than \$100,000,000;

14 (vi) \$22,500, if admitted assets are \$100,000,000
15 or more, but less than \$500,000,000;

16 (vii) \$30,000, if admitted assets are \$500,000,000
17 or more, but less than \$1,000,000,000;

18 (viii) \$37,500, if admitted assets are
19 \$1,000,000,000 or more.

20 (c) The sum of financial regulation fees charged to the
21 domestic companies of the same affiliated group shall not
22 exceed \$250,000 in the aggregate in any single year and
23 shall be billed by the Director to the member company
24 designated by the group.

25 (7) The Director shall charge and collect an annual
26 financial regulation fee from every foreign or alien company,

1 except fraternal benefit societies, for the examination and
2 analysis of its financial condition and to fund the internal
3 costs and expenses of the Interstate Insurance Receivership
4 Commission as may be allocated to the State of Illinois and
5 companies doing an insurance business in this State pursuant to
6 Article X of the Interstate Insurance Receivership Compact. The
7 fee shall be a fixed amount based upon Illinois direct premium
8 income and nationwide reinsurance assumed premium income in
9 accordance with the following schedule:

10 (a) \$150, if the premium is less than \$500,000 and
11 there is no reinsurance assumed premium;

12 (b) \$750, if the premium is \$500,000 or more, but less
13 than \$5,000,000 and there is no reinsurance assumed
14 premium; or if the premium is less than \$5,000,000 and the
15 reinsurance assumed premium is less than \$10,000,000;

16 (c) \$3,750, if the premium is less than \$5,000,000 and
17 the reinsurance assumed premium is \$10,000,000 or more;

18 (d) \$7,500, if the premium is \$5,000,000 or more, but
19 less than \$10,000,000;

20 (e) \$18,000, if the premium is \$10,000,000 or more, but
21 less than \$25,000,000;

22 (f) \$22,500, if the premium is \$25,000,000 or more, but
23 less than \$50,000,000;

24 (g) \$30,000, if the premium is \$50,000,000 or more, but
25 less than \$100,000,000;

26 (h) \$37,500, if the premium is \$100,000,000 or more.

1 The sum of financial regulation fees under this subsection
2 (7) charged to the foreign or alien companies within the same
3 affiliated group shall not exceed \$250,000 in the aggregate in
4 any single year and shall be billed by the Director to the
5 member company designated by the group.

6 (8) Beginning January 1, 1992, the financial regulation
7 fees imposed under subsections (6) and (7) of this Section
8 shall be paid by each company or domestic affiliated group
9 annually. After January 1, 1994, the fee shall be billed by
10 Department invoice based upon the company's premium income or
11 admitted assets as shown in its annual statement for the
12 preceding calendar year. The invoice is due upon receipt and
13 must be paid no later than June 30 of each calendar year. All
14 financial regulation fees collected by the Department shall be
15 paid to the Insurance Financial Regulation Fund. The Department
16 may not collect financial examiner per diem charges from
17 companies subject to subsections (6) and (7) of this Section
18 undergoing financial examination after June 30, 1992.

19 (9) In addition to the financial regulation fee required by
20 this Section, a company undergoing any financial examination
21 authorized by law shall pay the following costs and expenses
22 incurred by the Department: electronic data processing costs,
23 the expenses authorized under Section 131.21 and subsection (d)
24 of Section 132.4 of this Code, and lodging and travel expenses.

25 Electronic data processing costs incurred by the
26 Department in the performance of any examination shall be

1 billed directly to the company undergoing examination for
2 payment to the Statistical Services Revolving Fund. Except for
3 direct reimbursements authorized by the Director or direct
4 payments made under Section 131.21 or subsection (d) of Section
5 132.4 of this Code, all financial regulation fees and all
6 financial examination charges collected by the Department
7 shall be paid to the Insurance Financial Regulation Fund.

8 All lodging and travel expenses shall be in accordance with
9 applicable travel regulations published by the Department of
10 Central Management Services and approved by the Governor's
11 Travel Control Board, except that out-of-state lodging and
12 travel expenses related to examinations authorized under
13 Sections 132.1 through 132.7 shall be in accordance with travel
14 rates prescribed under paragraph 301-7.2 of the Federal Travel
15 Regulations, 41 C.F.R. 301-7.2, for reimbursement of
16 subsistence expenses incurred during official travel. All
17 lodging and travel expenses may be reimbursed directly upon the
18 authorization of the Director.

19 In the case of an organization or person not subject to the
20 financial regulation fee, the expenses incurred in any
21 financial examination authorized by law shall be paid by the
22 organization or person being examined. The charge shall be
23 reasonably related to the cost of the examination including,
24 but not limited to, compensation of examiners and other costs
25 described in this subsection.

26 (10) Any company, person, or entity failing to make any

1 payment of \$150 or more as required under this Section shall be
2 subject to the penalty and interest provisions provided for in
3 subsections (4) and (7) of Section 412.

4 (11) Unless otherwise specified, all of the fees collected
5 under this Section shall be paid into the Insurance Financial
6 Regulation Fund.

7 (11.5) By July 1, 2013 and each July 1 thereafter, the
8 Department shall calculate its administrative expenses related
9 to the enforcement of this Code, except for the administrative
10 expenses related to the licensure of insurance producers under
11 Article XXXI, for the succeeding 2 fiscal years by averaging
12 the amount of administrative expenses for the immediately
13 preceding 2 fiscal years. As soon after those calculations are
14 made as is practical, any amount in the Insurance Financial
15 Regulation Fund that is in excess of those calculated
16 administrative expenses shall be credited to licensees under
17 this Code, except for insurance producers licensed under
18 Article XXXI, for the following year. The amount credited to
19 each licensee shall be in proportion of the license fee paid by
20 the licensee under this Section to the aggregate fees paid by
21 all licensees during that period.

22 (12) For purposes of this Section:

23 (a) "Domestic company" means a company as defined in
24 Section 2 of this Code which is incorporated or organized
25 under the laws of this State, and in addition includes a
26 not-for-profit corporation authorized under the Dental

1 Service Plan Act or the Voluntary Health Services Plans
2 Act, a health maintenance organization, and a limited
3 health service organization.

4 (b) "Foreign company" means a company as defined in
5 Section 2 of this Code which is incorporated or organized
6 under the laws of any state of the United States other than
7 this State and in addition includes a health maintenance
8 organization and a limited health service organization
9 which is incorporated or organized under the laws of any
10 state of the United States other than this State.

11 (c) "Alien company" means a company as defined in
12 Section 2 of this Code which is incorporated or organized
13 under the laws of any country other than the United States.

14 (d) "Fraternal benefit society" means a corporation,
15 society, order, lodge or voluntary association as defined
16 in Section 282.1 of this Code.

17 (e) "Mutual benefit association" means a company,
18 association or corporation authorized by the Director to do
19 business in this State under the provisions of Article
20 XVIII of this Code.

21 (f) "Burial society" means a person, firm,
22 corporation, society or association of individuals
23 authorized by the Director to do business in this State
24 under the provisions of Article XIX of this Code.

25 (g) "Farm mutual" means a district, county and township
26 mutual insurance company authorized by the Director to do

1 business in this State under the provisions of the Farm
2 Mutual Insurance Company Act of 1986.

3 (Source: P.A. 97-486, eff. 1-1-12; 97-603, eff. 8-26-11;
4 97-813, eff. 7-13-12; revised 10-18-12.)

5 (215 ILCS 5/500-135)

6 (Section scheduled to be repealed on January 1, 2017)

7 Sec. 500-135. Fees.

8 (a) The fees required by this Article are as follows:

9 (1) a fee of \$180 for a person who is a resident of
10 Illinois, and \$250 for a person who is not a resident of
11 Illinois, payable once every 2 years for an insurance
12 producer license;

13 (2) a fee of \$50 for the issuance of a temporary
14 insurance producer license;

15 (3) a fee of \$150 payable once every 2 years for a
16 business entity;

17 (4) an annual \$50 fee for a limited line producer
18 license issued under items (1) through (7) of subsection
19 (a) of Section 500-100;

20 (5) a \$50 application fee for the processing of a
21 request to take the written examination for an insurance
22 producer license;

23 (6) an annual registration fee of \$1,000 for
24 registration of an education provider;

25 (7) a certification fee of \$50 for each certified

1 pre-licensing or continuing education course and an annual
2 fee of \$20 for renewing the certification of each such
3 course;

4 (8) a fee of \$180 for a person who is a resident of
5 Illinois, and \$250 for a person who is not a resident of
6 Illinois, payable once every 2 years for a car rental
7 limited line license;

8 (9) a fee of \$200 payable once every 2 years for a
9 limited lines license other than the licenses issued under
10 items (1) through (7) of subsection (a) of Section 500-100,
11 a car rental limited line license, or a self-service
12 storage facility limited line license;

13 (10) a fee of \$50 payable once every 2 years for a
14 self-service storage facility limited line license.

15 (b) Except as otherwise provided, all fees paid to and
16 collected by the Director under this Section shall be paid
17 promptly after receipt thereof, together with a detailed
18 statement of such fees, into a special fund in the State
19 Treasury to be known as the Insurance Producer Administration
20 Fund. The moneys deposited into the Insurance Producer
21 Administration Fund may be used only for payment of the
22 expenses of the Department in the execution, administration,
23 and enforcement of the insurance laws of this State, and shall
24 be appropriated as otherwise provided by law for the payment of
25 those expenses with first priority being any expenses incident
26 to or associated with the administration and enforcement of

1 this Article.

2 (c) By July 1, 2013 and each July 1 thereafter, the
3 Department shall calculate its administrative expenses related
4 to the licensure of insurance producers under this Article for
5 the succeeding 2 fiscal years by averaging the amount of
6 administrative expenses for the immediately preceding 2 fiscal
7 years. As soon after those calculations are made as is
8 practical, any amount in the Insurance Producer Administration
9 Fund that is in excess of those calculated administrative
10 expenses shall be credited to insurance producers licensed
11 under this Article for the following year. The amount credited
12 to each licensee shall be in proportion of the license fee paid
13 by the licensee under this Section to the aggregate fees paid
14 by all licensees during that period.

15 (Source: P.A. 95-331, eff. 8-21-07.)

16 Section 15. The Medical Practice Act of 1987 is amended by
17 changing Section 21 as follows:

18 (225 ILCS 60/21) (from Ch. 111, par. 4400-21)

19 (Section scheduled to be repealed on December 31, 2013)

20 Sec. 21. License renewal; restoration; inactive status;
21 disposition and collection of fees.

22 (A) Renewal. The expiration date and renewal period for
23 each license issued under this Act shall be set by rule. The
24 holder of a license may renew the license by paying the

1 required fee. The holder of a license may also renew the
2 license within 90 days after its expiration by complying with
3 the requirements for renewal and payment of an additional fee.
4 A license renewal within 90 days after expiration shall be
5 effective retroactively to the expiration date.

6 The Department shall mail to each licensee under this Act,
7 at his or her address of record, at least 60 days in advance of
8 the expiration date of his or her license, a renewal notice. No
9 such license shall be deemed to have lapsed until 90 days after
10 the expiration date and after such notice has been mailed by
11 the Department as herein provided.

12 (B) Restoration. Any licensee who has permitted his or her
13 license to lapse or who has had his or her license on inactive
14 status may have his or her license restored by making
15 application to the Department and filing proof acceptable to
16 the Department of his or her fitness to have the license
17 restored, including evidence certifying to active practice in
18 another jurisdiction satisfactory to the Department, proof of
19 meeting the continuing education requirements for one renewal
20 period, and by paying the required restoration fee.

21 If the licensee has not maintained an active practice in
22 another jurisdiction satisfactory to the Department, the
23 Licensing Board shall determine, by an evaluation program
24 established by rule, the applicant's fitness to resume active
25 status and may require the licensee to complete a period of
26 evaluated clinical experience and may require successful

1 completion of a practical examination specified by the
2 Licensing Board.

3 However, any registrant whose license has expired while he
4 or she has been engaged (a) in Federal Service on active duty
5 with the Army of the United States, the United States Navy, the
6 Marine Corps, the Air Force, the Coast Guard, the Public Health
7 Service or the State Militia called into the service or
8 training of the United States of America, or (b) in training or
9 education under the supervision of the United States
10 preliminary to induction into the military service, may have
11 his or her license reinstated or restored without paying any
12 lapsed renewal fees, if within 2 years after honorable
13 termination of such service, training, or education, he or she
14 furnishes to the Department with satisfactory evidence to the
15 effect that he or she has been so engaged and that his or her
16 service, training, or education has been so terminated.

17 (C) Inactive licenses. Any licensee who notifies the
18 Department, in writing on forms prescribed by the Department,
19 may elect to place his or her license on an inactive status and
20 shall, subject to rules of the Department, be excused from
21 payment of renewal fees until he or she notifies the Department
22 in writing of his or her desire to resume active status.

23 Any licensee requesting restoration from inactive status
24 shall be required to pay the current renewal fee, provide proof
25 of meeting the continuing education requirements for the period
26 of time the license is inactive not to exceed one renewal

1 period, and shall be required to restore his or her license as
2 provided in subsection (B).

3 Any licensee whose license is in an inactive status shall
4 not practice in the State of Illinois.

5 (D) Disposition of monies collected. All monies collected
6 under this Act by the Department shall be deposited in the
7 Illinois State Medical Disciplinary Fund in the State Treasury,
8 and used only for the following purposes: (a) by the
9 Disciplinary Board and Licensing Board in the exercise of its
10 powers and performance of its duties, as such use is made by
11 the Department with full consideration of all recommendations
12 of the Disciplinary Board and Licensing Board, (b) for costs
13 directly related to persons licensed under this Act, and (c)
14 for direct and allocable indirect costs related to the public
15 purposes of the Department.

16 Moneys in the Fund may be transferred to the Professions
17 Indirect Cost Fund as authorized under Section 2105-300 of the
18 Department of Professional Regulation Law (20 ILCS
19 2105/2105-300).

20 All earnings received from investment of monies in the
21 Illinois State Medical Disciplinary Fund shall be deposited in
22 the Illinois State Medical Disciplinary Fund and shall be used
23 for the same purposes as fees deposited in such Fund.

24 (E) Fees. The following fees are nonrefundable.

25 (1) Applicants for any examination shall be required to
26 pay, either to the Department or to the designated testing

1 service, a fee covering the cost of determining the
2 applicant's eligibility and providing the examination.
3 Failure to appear for the examination on the scheduled
4 date, at the time and place specified, after the
5 applicant's application for examination has been received
6 and acknowledged by the Department or the designated
7 testing service, shall result in the forfeiture of the
8 examination fee.

9 (2) The fee for a license under Section 9 of this Act
10 is \$300.

11 (3) The fee for a license under Section 19 of this Act
12 is \$300.

13 (4) The fee for the renewal of a license for a resident
14 of Illinois shall be calculated at the rate of \$100 per
15 year, except for licensees who were issued a license within
16 12 months of the expiration date of the license, the fee
17 for the renewal shall be \$100. The fee for the renewal of a
18 license for a nonresident shall be calculated at the rate
19 of \$200 per year, except for licensees who were issued a
20 license within 12 months of the expiration date of the
21 license, the fee for the renewal shall be \$200.

22 (5) The fee for the restoration of a license other than
23 from inactive status, is \$100. In addition, payment of all
24 lapsed renewal fees not to exceed \$600 is required.

25 (6) The fee for a 3-year temporary license under
26 Section 17 is \$100.

1 (7) The fee for the issuance of a duplicate license,
2 for the issuance of a replacement license for a license
3 which has been lost or destroyed, or for the issuance of a
4 license with a change of name or address other than during
5 the renewal period is \$20. No fee is required for name and
6 address changes on Department records when no duplicate
7 license is issued.

8 (8) The fee to be paid for a license record for any
9 purpose is \$20.

10 (9) The fee to be paid to have the scoring of an
11 examination, administered by the Department, reviewed and
12 verified, is \$20 plus any fees charged by the applicable
13 testing service.

14 (10) The fee to be paid by a licensee for a wall
15 certificate showing his or her license shall be the actual
16 cost of producing the certificate as determined by the
17 Department.

18 (11) The fee for a roster of persons licensed as
19 physicians in this State shall be the actual cost of
20 producing such a roster as determined by the Department.

21 (F) Any person who delivers a check or other payment to the
22 Department that is returned to the Department unpaid by the
23 financial institution upon which it is drawn shall pay to the
24 Department, in addition to the amount already owed to the
25 Department, a fine of \$50. The fines imposed by this Section
26 are in addition to any other discipline provided under this Act

1 for unlicensed practice or practice on a nonrenewed license.
2 The Department shall notify the person that payment of fees and
3 fines shall be paid to the Department by certified check or
4 money order within 30 calendar days of the notification. If,
5 after the expiration of 30 days from the date of the
6 notification, the person has failed to submit the necessary
7 remittance, the Department shall automatically terminate the
8 license or certificate or deny the application, without
9 hearing. If, after termination or denial, the person seeks a
10 license or certificate, he or she shall apply to the Department
11 for restoration or issuance of the license or certificate and
12 pay all fees and fines due to the Department. The Department
13 may establish a fee for the processing of an application for
14 restoration of a license or certificate to pay all expenses of
15 processing this application. The Secretary may waive the fines
16 due under this Section in individual cases where the Secretary
17 finds that the fines would be unreasonable or unnecessarily
18 burdensome.

19 (G) By July 1, 2013 and each July 1 thereafter, the
20 Department shall calculate its administrative expenses related
21 to the enforcement of this Act for the succeeding 2 fiscal
22 years by averaging the amount of administrative expenses for
23 the immediately preceding 2 fiscal years. As soon after those
24 calculations are made as is practical, any amount in the
25 Illinois State Medical Disciplinary Fund that is in excess of
26 those calculated administrative expenses shall be credited to

1 licensees under this Act for the following year. The amount
2 credited to each licensee shall be in proportion of the license
3 fee paid by the licensee under this Section to the aggregate
4 fees paid by all licensees during that period.

5 (Source: P.A. 97-622, eff. 11-23-11.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.