

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 Fire Equipment Distributor and Employee
5 Regulation Act of 2011 is amended by changing Sections 40 and
6 60 as follows:

7 (225 ILCS 217/40)

8 (Section scheduled to be repealed on January 1, 2023)

9 Sec. 40. Qualifications for licensure; fees.

10 (a) No person shall engage in practice as a fire equipment
11 distributor or fire equipment employee without first applying
12 for and obtaining a license for that purpose from the Office of
13 the State Fire Marshal.

14 (b) To qualify for a Class A Fire Equipment Distributor
15 License to service, recharge, hydro-test, install, maintain,
16 or inspect all types of fire extinguishers, an applicant must
17 provide all of the following:

18 (1) An annual license fee of \$100.

19 (2) Evidence of registration as an Illinois
20 corporation or evidence of compliance with the Assumed
21 Business Name Act.

22 (3) Evidence of financial responsibility in a minimum
23 amount of \$300,000 through liability insurance,

1 self-insurance, group insurance, group self-insurance, or
2 risk retention groups.

3 (c) To qualify for a Class B Fire Equipment Distributor
4 License to service, recharge, hydro-test, install, maintain,
5 or inspect all types of pre-engineered fire extinguishing
6 systems, an applicant must provide all of the following:

7 (1) An annual license fee of \$200.

8 (2) Evidence of registration as an Illinois
9 corporation or evidence of compliance with the Assumed
10 Business Name Act.

11 (3) Evidence of financial responsibility in a minimum
12 amount of \$300,000 through liability insurance,
13 self-insurance, group insurance, group self-insurance, or
14 risk retention groups.

15 (4) Evidence of owning, leasing, renting, or having
16 access to proper testing equipment that is in compliance
17 with the national standards adopted by the State Fire
18 Marshal for the maintenance and operation of testing tools
19 for use with all Class B fire equipment.

20 (d) To qualify for a Class C Fire Equipment Distributor
21 License to service, repair, hydro-test, inspect, and engineer
22 all types of engineered fire suppression systems, an applicant
23 must provide all of the following:

24 (1) An annual license fee of \$300.

25 (2) Evidence of registration as an Illinois
26 corporation or evidence of compliance with the Assumed

1 Business Name Act.

2 (3) Evidence of financial responsibility in a minimum
3 amount of \$300,000 through liability insurance,
4 self-insurance, group insurance, group self-insurance, or
5 risk retention groups.

6 (4) Evidence of owning, leasing, renting, or having
7 access to proper testing equipment that is in compliance
8 with the national standards adopted by the State Fire
9 Marshal for the maintenance and operation of testing tools
10 for use with all Class C fire equipment.

11 (e) To qualify for a Class 1 Fire Equipment Employee
12 License to service, recharge, hydro-test, install, maintain,
13 or inspect all types of fire extinguishers, an applicant must
14 complete all of the following:

15 (1) Pass the ICC/NAFED examination administered by the
16 ICC as a technician certified to service a Portable Fire
17 Extinguisher.

18 (2) Pay an annual license fee of \$20.

19 (3) Provide 2 copies of a current photograph at least
20 1" x 1" in size. An applicant who is 21 years of age or
21 older seeking a religious exemption to this photograph
22 requirement shall furnish with his or her application an
23 approved copy of United States Department of the Treasury
24 Internal Revenue Service Form 4029. Regardless of age, an
25 applicant seeking a religious exemption to this photograph
26 requirement shall submit fingerprints in a form and manner

1 prescribed by the State Fire Marshal with his or her
2 application in lieu of a photograph.

3 (f) To qualify for a Class 2I Fire Equipment Employee
4 License to service, recharge, hydro-test, install, maintain,
5 or inspect all types of pre-engineered industrial fire
6 extinguishing systems, an applicant must complete all of the
7 following:

8 (1) Pass the ICC/NAFED examination administered by the
9 ICC as a technician certified to service Pre-Engineered
10 Industrial Fire Suppression Systems.

11 (2) Pay an annual license fee of \$20.

12 (3) Provide 2 copies of a current photograph at least
13 1" x 1" in size. An applicant who is 21 years of age or
14 older seeking a religious exemption to this photograph
15 requirement shall furnish with his or her application an
16 approved copy of United States Department of the Treasury
17 Internal Revenue Service Form 4029. Regardless of age, an
18 applicant seeking a religious exemption to this photograph
19 requirement shall submit fingerprints in a form and manner
20 prescribed by the State Fire Marshal with his or her
21 application in lieu of a photograph.

22 (f-5) To qualify for a Class 2K Fire Equipment Employee
23 License to service, recharge, hydro-test, install, maintain,
24 or inspect all types of pre-engineered kitchen fire
25 extinguishing systems, an applicant must complete all of the
26 following:

1 (1) Pass the ICC/NAFED examination administered by the
2 ICC as a technician certified to service Pre-Engineered
3 Kitchen Fire Extinguishing Systems.

4 (2) Pay an annual fee of \$20.

5 (3) Provide 2 copies of a current photograph at least
6 1" x 1" in size. An applicant who is 21 years of age or
7 older seeking a religious exemption to this photograph
8 requirement shall furnish with his or her application an
9 approved copy of United States Department of the Treasury
10 Internal Revenue Service Form 4029. Regardless of age, an
11 applicant seeking a religious exemption to this photograph
12 requirement shall submit fingerprints in a form and manner
13 prescribed by the State Fire Marshal with his or her
14 application in lieu of a photograph.

15 (g) To qualify for a Class 3 Fire Equipment Employee
16 License to service, recharge, hydro-test, maintain, inspect,
17 or engineer all types of engineered fire extinguishing systems,
18 an applicant must complete all of the following:

19 (1) Pass the examination.

20 (2) Pay an annual license fee of \$20.

21 (3) Provide a current photograph at least 1" x 1" in
22 size. An applicant who is 21 years of age or older seeking
23 a religious exemption to this photograph requirement shall
24 furnish with his or her application an approved copy of
25 United States Department of the Treasury Internal Revenue
26 Service Form 4029. Regardless of age, an applicant seeking

1 a religious exemption to this photograph requirement shall
2 submit fingerprints in a form and manner prescribed by the
3 State Fire Marshal with his or her application in lieu of a
4 photograph.

5 (h) All licenses issued under this Act shall remain in
6 effect unless the licensee is otherwise notified by the Office
7 of the State Fire Marshal.

8 (Source: P.A. 96-1499, eff. 1-18-11; 97-979, eff. 8-17-12.)

9 (225 ILCS 217/60)

10 (Section scheduled to be repealed on January 1, 2023)

11 Sec. 60. Issuance of license; renewal.

12 (a) The State Fire Marshal shall, upon the applicant's
13 satisfactory completion of the requirements authorized under
14 this Act and upon receipt of the requisite fees, issue the
15 appropriate license and wallet card showing the name and
16 business location of the licensee, the dates of issuance and
17 expiration, and shall contain a photograph of the licensee
18 provided to the State Fire Marshal. An applicant who is 21
19 years of age or older seeking a religious exemption to the
20 photograph required by this subsection shall furnish with his
21 or her application an approved copy of United States Department
22 of the Treasury Internal Revenue Service Form 4029. Regardless
23 of age, an applicant seeking a religious exemption to this
24 photograph requirement shall submit fingerprints in a form and
25 manner prescribed by the State Fire Marshal with his or her

1 application in lieu of a photograph.

2 (b) Any license valid on December 31, 2010 under the Fire
3 Equipment Distributor and Employee Regulation Act of 2000 shall
4 be a valid license under this Act and expires when the valid
5 license issued under the Fire Equipment Distributor and
6 Employee Regulation Act of 2000 was scheduled to expire.

7 (c) Each licensee may apply for renewal of his license upon
8 payment of fees, as set forth in this Act. The expiration date
9 and renewal period for each license issued under this Act shall
10 be set by rule. Failure to renew within 60 days of the
11 expiration date shall lapse the license. A lapsed license may
12 not be reinstated until a written application is filed, the
13 renewal fee is paid, and a \$50 reinstatement fee is paid.
14 Renewal and reinstatement fees shall be waived for persons who
15 did not renew while on active duty in the military and who file
16 for renewal or restoration within one year after discharge from
17 such service. A lapsed license may not be reinstated after 5
18 years have elapsed, except upon passing an examination to
19 determine fitness to have the license restored and by paying
20 the required fees.

21 (d) As a condition of renewal of a license, the State Fire
22 Marshal may require the licensee to report information
23 pertaining to his practice which the State Fire Marshal
24 determines to be in the interest of public safety.

25 (e) All fees paid under this Act are non-refundable.

26 (Source: P.A. 96-1499, eff. 1-18-11.)

1 Section 10. The Pyrotechnic Distributor and Operator
2 Licensing Act is amended by changing Section 50 as follows:

3 (225 ILCS 227/50)

4 Sec. 50. Issuance of license; renewal; fees nonrefundable.

5 (a) The Office, upon the applicant's satisfactory
6 completion of the requirements imposed under this Act and upon
7 receipt of the requisite fees, shall issue the appropriate
8 license showing the name, address, and photograph of the
9 licensee and the dates of issuance and expiration. The license
10 shall include the name of the pyrotechnic distributor or
11 production company employing the lead pyrotechnic operator or
12 insuring the lead pyrotechnic operator as an additional named
13 insured on the pyrotechnic distributor's product liability and
14 general liability insurance, as required under paragraphs (2)
15 and (3) of subsection (c) of Section 35, or insuring the lead
16 pyrotechnic operator as an additional named insured on the
17 production company's general liability insurance, as required
18 under paragraph (1) of subsection (c-3) of Section 35. A lead
19 pyrotechnic operator is required to have a separate license for
20 each pyrotechnic distributor or production company who employs
21 the lead pyrotechnic operator or insures the lead pyrotechnic
22 operator as an additional named insured on the pyrotechnic
23 distributor's product liability and general liability
24 insurance, as required under paragraphs (2) and (3) of

1 subsection (c) of Section 35, or insures the lead pyrotechnic
2 operator as an additional named insured on the production
3 company's general liability insurance, as required under
4 paragraph (1) of subsection (c-3) of Section 35.

5 (b) Each licensee may apply for renewal of his or her
6 license upon payment of the applicable fees. The expiration
7 date and renewal period for each license issued under this Act
8 shall be set by rule. Failure to renew within 60 days of the
9 expiration date results in lapse of the license. A lapsed
10 license may not be reinstated until a written application is
11 filed, the renewal fee is paid, and the reinstatement fee
12 established by the Office is paid. Renewal and reinstatement
13 fees shall be waived for persons who did not renew while on
14 active duty in the military and who file for renewal or
15 restoration within one year after discharge from the service. A
16 lapsed license may not be reinstated after 5 years have elapsed
17 except upon passing an examination to determine fitness to have
18 the license restored and by paying the required fees.

19 (c) All fees paid under this Act are nonrefundable.

20 (d) A production company licensed under this Act shall pay
21 all applicable licensing fees for each lead pyrotechnic
22 operator it employs or insures as an additional named insured
23 on the production company's general liability insurance, as
24 required under paragraph (1) of subsection (c-3) of Section 35.

25 (e) An applicant who is 21 years of age or older seeking a
26 religious exemption to the photograph requirement of this

1 Section shall furnish with his or her application an approved
2 copy of United States Department of the Treasury Internal
3 Revenue Service Form 4029. Regardless of age, an applicant
4 seeking a religious exemption to this photograph requirement
5 shall submit fingerprints in a form and manner prescribed by
6 the Office with his or her application in lieu of a photograph.

7 (Source: P.A. 96-708, eff. 8-25-09; 97-164, eff. 1-1-12.)

8 Section 15. The Elevator Safety and Regulation Act is
9 amended by adding Section 66 as follows:

10 (225 ILCS 312/66 new)

11 Sec. 66. Licenses; photo exemption. An applicant who is 21
12 years of age or older seeking a religious exemption to the
13 requirement under this Act that all licenses contain the
14 licensees' photo shall furnish with his or her application an
15 approved copy of United States Department of the Treasury
16 Internal Revenue Service Form 4029. Regardless of age, an
17 applicant seeking a religious exemption to this photo
18 requirement shall submit fingerprints in a form and manner
19 prescribed by the Board with his or her application in lieu of
20 a photo.

21 Section 20. The Illinois Plumbing License Law is amended by
22 changing Sections 11 and 16 as follows:

1 (225 ILCS 320/11) (from Ch. 111, par. 1110)

2 Sec. 11. The Director shall issue a plumber's license to
3 each applicant who successfully passes the examination and has
4 paid to the Department the required license fee. Each plumber's
5 license shall be issued in the name of the Department with the
6 seal thereof attached. Each plumber's license shall be composed
7 of a solid plastic card that includes a photo of the licensed
8 plumber printed directly on the card.

9 A person once licensed as a plumber under the provisions of
10 this Act shall not be relicensed except by renewal or
11 restoration of such license as provided in this Act.

12 An applicant who is 21 years of age or older seeking a
13 religious exemption to the photo requirement of this Section
14 shall furnish with his or her application an approved copy of
15 United States Department of the Treasury Internal Revenue
16 Service Form 4029. Regardless of age, an applicant seeking a
17 religious exemption to this photo requirement shall submit
18 fingerprints in a form and manner prescribed by the Department
19 with his or her application in lieu of a photo.

20 (Source: P.A. 97-1137, eff. 6-1-13.)

21 (225 ILCS 320/16) (from Ch. 111, par. 1115)

22 Sec. 16. (1) Any city, village or incorporated town, having
23 a population of 500,000 or more may, by an ordinance containing
24 provisions substantially the same as those in this Act and
25 specifying educational or experience requirements equivalent

1 to those prescribed in this Act, provide for a board of
2 plumbing examiners to conduct examinations for, and to issue,
3 suspend, or revoke, plumbers' licenses, within such city,
4 village or incorporated town. Upon the enactment of such
5 ordinance the provisions of this act shall not apply within any
6 such municipality except as otherwise provided herein.

7 (2) Any person licensed as a plumber pursuant to such
8 ordinance, or licensed by the Department under this Act, may
9 engage in plumbing anywhere in this State.

10 (3) Any board of plumbing examiners created pursuant to
11 this Section shall maintain a current record similar to that
12 required of the Director by Section 8 of this Act, and shall
13 provide the Department with a copy thereof. The Department
14 shall be advised of changes in such record at least every six
15 months.

16 (4) In the event that the plumbing contractor's license is
17 suspended or revoked by any city, village, or incorporated
18 town, having a population of 500,000 or more, the city,
19 village, or incorporated town shall notify the Department.

20 (5) Any city, village, or incorporated town having a
21 population of 500,000 or more that licenses an individual as a
22 plumber shall provide a license composed of a solid plastic
23 card that includes a photo of the licensed plumber printed
24 directly on the card. An applicant who is 21 years of age or
25 older seeking a religious exemption to the photo requirement of
26 this subsection shall furnish with his or her application an

1 approved copy of United States Department of the Treasury
2 Internal Revenue Service Form 4029. Regardless of age, an
3 applicant seeking a religious exemption to this photo
4 requirement shall submit fingerprints in a form and manner
5 prescribed by the city, village, or incorporated town with his
6 or her application in lieu of a photo.

7 (Source: P.A. 97-365, eff. 1-1-12; 97-1137, eff. 6-1-13.)

8 Section 25. The Collateral Recovery Act is amended by
9 changing Sections 35, 40, and 45 as follows:

10 (225 ILCS 422/35)

11 (Section scheduled to be repealed on January 1, 2022)

12 Sec. 35. Application for repossession agency licensure.

13 (a) Application for original licensure as a repossession
14 agency shall be made to the Commission in writing on forms
15 prescribed by the Commission and shall be accompanied by the
16 appropriate documentation and the required fee, and the fee is
17 nonrefundable.

18 (b) Every application shall state, in addition to any other
19 requirements, (i) the name of the applicant, (ii) the name
20 under which the applicant shall do business, (iii) the proposed
21 location of the agency by number, street, and city, and (iv)
22 the proposed location of the agency's remote storage location
23 or locations by number, street, and city, (v) the proposed
24 location of the Agency's branch office or branch offices by

1 number, street, and city, and (vi) the usual business hours
2 that the agency shall maintain.

3 (c) No license may be issued (i) in any fictitious name
4 that may be confused with or is similar to any federal, state,
5 county, or municipal government function or agency, (ii) in any
6 name that may tend to describe any business function or
7 enterprise not actually engaged in by the applicant, (iii) in
8 any name that is the same as or similar to any existing
9 licensed company and that would tend to deceive the public,
10 (iv) in any name that would tend to be deceptive or misleading,
11 or (v) to any repossession agency applicant without that
12 agency's location or branch office location maintaining a
13 secured storage facility as defined in Section 10 of this Act.

14 (d) If the applicant for repossession agency licensure is
15 an individual, then his or her application shall include (i)
16 the full residential address of the applicant and (ii) either
17 the sworn statement of the applicant declaring that he or she
18 is the licensed recovery manager who shall be personally in
19 control of the agency for which the licensure is sought, or the
20 name and signed sworn statement of the licensed recovery
21 manager who shall be in control or management of the agency.

22 (e) If the applicant for repossession agency licensure is a
23 partnership, then the application shall include (i) a statement
24 of the names and full residential addresses of all partners in
25 the business and (ii) a sworn statement signed by each partner
26 verifying the name of the person who is a licensed recovery

1 manager and shall be in control or management of the business.
2 If a licensed recovery manager who is not a partner shall be in
3 control or management of the agency, then he or she must also
4 sign the sworn statement. The application shall also state
5 whether any of the partners has ever used an alias.

6 (f) If the applicant for licensure as a repossession agency
7 is a corporation, then the application shall include (i) the
8 names and full residential addresses of all corporation
9 officers and (ii) a sworn statement signed by a duly authorized
10 officer of the corporation verifying the name of the person who
11 is a licensed recovery manager and shall be in control or
12 management of the agency. If a licensed recovery manager who is
13 not an officer shall be in control or management of the agency,
14 then he or she must also sign the sworn statement. The
15 application shall also state whether any of the officers has
16 ever used an alias.

17 (g) If the applicant for licensure as a repossession agency
18 is a limited liability company, then the application shall
19 include (i) the names and full residential addresses of all
20 members and (ii) a sworn statement signed by each member
21 verifying the name of the person who is a licensed recovery
22 manager and shall be in control or management of the agency. If
23 a licensed recovery manager who is not a member shall be in
24 control or management of the agency, then he or she must also
25 sign the sworn statement. The application shall also state
26 whether any of the members has ever used an alias.

1 (h) Each individual, partner of a partnership, officer of a
2 corporation, or member of a limited liability company shall
3 submit with the application a copy of one form of personal
4 identification upon which must appear a photograph taken within
5 one year immediately preceding the date of the filing of the
6 application. An applicant who is 21 years of age or older
7 seeking a religious exemption to the photograph requirement of
8 this subsection shall furnish with the application an approved
9 copy of United States Department of the Treasury Internal
10 Revenue Service Form 4029. Regardless of age, an applicant
11 seeking a religious exemption to this photograph requirement
12 shall submit fingerprints in a form and manner prescribed by
13 the Commission with his or her application in lieu of a
14 photograph.

15 (i) No examination shall be required for licensure as a
16 repossession agency by the Commission.

17 (j) The Commission may require any additional information
18 that, in the judgment of the Commission, shall enable the
19 Commission to determine the qualifications of the applicant for
20 licensure.

21 (k) Applicants have 90 days from the date of application to
22 complete the application process. If the application has not
23 been completed within 90 days, then the application shall be
24 denied, the fee shall be forfeited, and the applicant must
25 reapply and meet the requirements in effect at the time of
26 reapplication.

1 (1) Nothing in this Section precludes a domestic or foreign
2 limited liability company being licensed as a repossession
3 agency.

4 (m) A repossession agency license may be transferable upon
5 prior notice to the Commission and upon completion of all
6 requirements relative to the application process for
7 repossession agency licensure.

8 (n) Repossessions performed in this State must be performed
9 by repossession agencies, their employees, or agents licensed
10 by the Commission, with the exception of financial institutions
11 or the employees of a financial institution that are exempt
12 under subsection (d) of Section 30 of this Act.

13 (Source: P.A. 97-576, eff. 7-1-12.)

14 (225 ILCS 422/40)

15 (Section scheduled to be repealed on January 1, 2022)

16 Sec. 40. Qualifications for recovery manager;
17 identification card.

18 (a) An applicant is qualified for licensure as a recovery
19 manager if that person meets all of the following requirements:

20 (1) Is 21 years of age or older.

21 (2) Has not been convicted in any jurisdiction of any
22 felony or at least 10 years has passed from the time of
23 discharge from any sentence imposed for a felony.

24 (3) Has completed no less than 2,500 hours of actual
25 compensated collateral recovery work as an employee of a

1 repossession agency, a financial institution, or a vehicle
2 dealer within the 5 years immediately preceding the filing
3 of an application, acceptable proof of which must be
4 submitted to the Commission.

5 (4) Has submitted to the Commission 2 sets of
6 fingerprints, which shall be checked against the
7 fingerprint records on file with the Illinois State Police
8 and the Federal Bureau of Investigation in the manner set
9 forth in Section 60 of this Act.

10 (5) Has successfully completed a certification program
11 approved by the Commission.

12 (6) Has paid the required application fees.

13 (b) Upon the issuance of a recovery manager license, the
14 Commission shall issue the license holder a suitable pocket
15 identification card that shall include a photograph of the
16 license holder. The identification card must contain the name
17 of the license holder and any other information required by the
18 Commission. An applicant who is 21 years of age or older
19 seeking a religious exemption to the photograph requirement of
20 this subsection shall furnish with his or her application an
21 approved copy of United States Department of the Treasury
22 Internal Revenue Service Form 4029.

23 (c) A recovery manager license is not transferable.

24 (Source: P.A. 97-576, eff. 7-1-12.)

25 (225 ILCS 422/45)

1 (Section scheduled to be repealed on January 1, 2022)

2 Sec. 45. Repossession agency employee requirements.

3 (a) All employees of a licensed repossession agency whose
4 duties include the actual repossession of collateral must apply
5 for a recovery permit. The holder of a repossession agency
6 license issued under this Act, known in this Section as the
7 "employer", may employ in the conduct of the business under the
8 following provisions:

9 (1) No person may be issued a recovery permit who meets
10 any of the following criteria:

11 (A) Is younger than 21 years of age.

12 (B) Has been determined by the Commission to be
13 unfit by reason of conviction of an offense in this or
14 another state, other than a minor traffic offense. The
15 Commission shall adopt rules for making those
16 determinations.

17 (C) Has had a license or recovery permit denied,
18 suspended, or revoked under this Act.

19 (D) Has not successfully completed a certification
20 program approved by the Commission.

21 (2) No person may be employed by a repossession agency
22 under this Section until he or she has executed and
23 furnished to the Commission, on forms furnished by the
24 Commission, a verified statement to be known as an
25 "Employee's Statement" setting forth all of the following:

26 (A) The person's full name, age, and residence

1 address.

2 (B) The business or occupation engaged in for the 5
3 years immediately before the date of the execution of
4 the statement, the place where the business or
5 occupation was engaged in, and the names of the
6 employers, if any.

7 (C) That the person has not had a license or
8 recovery permit denied, revoked, or suspended under
9 this Act.

10 (D) Any conviction of a felony, except as provided
11 for in Section 85.

12 (E) Any other information as may be required by any
13 rule of the Commission to show the good character,
14 competency, and integrity of the person executing the
15 statement.

16 (b) Each applicant for a recovery permit shall have his or
17 her fingerprints submitted to the Commission by a Live Scan
18 fingerprint vendor certified by the Illinois State Police under
19 the Private Detective, Private Alarm, Private Security,
20 Fingerprint Vendor, and Locksmith Act of 2004 in an electronic
21 format that complies with the form and manner for requesting
22 and furnishing criminal history record information as
23 prescribed by the Illinois State Police. These fingerprints
24 shall be checked against the Illinois State Police and Federal
25 Bureau of Investigation criminal history record databases now
26 and hereafter filed. The Commission shall charge applicants a

1 fee for conducting the criminal history records check, which
2 shall not exceed the actual cost of the records check. The
3 Illinois Commerce Commission Police shall furnish, pursuant to
4 positive identification, records of Illinois convictions to
5 the Commission. The Commission, in its discretion, may allow an
6 applicant who does not have reasonable access to a designated
7 vendor to provide his or her fingerprints in an alternative
8 manner. The Commission, in its discretion, may also use other
9 procedures in performing or obtaining criminal history records
10 checks of applicants. Instead of submitting his or her
11 fingerprints, an individual may submit proof that is
12 satisfactory to the Commission that an equivalent security
13 clearance has been conducted.

14 (c) Qualified applicants shall purchase a recovery permit
15 from the Commission and in a form that the Commission
16 prescribes. The Commission shall notify the submitting person
17 within 10 days after receipt of the application of its intent
18 to issue or deny the recovery permit. The holder of a recovery
19 permit shall carry the recovery permit at all times while
20 actually engaged in the performance of the duties of his or her
21 employment. No recovery permit shall be effective unless
22 accompanied by a license issued by the Commission. Expiration
23 and requirements for renewal of recovery permits shall be
24 established by rule of the Commission. Possession of a recovery
25 permit does not in any way imply that the holder of the
26 recovery permit is employed by any agency unless the recovery

1 permit is accompanied by the employee identification card
2 required by subsection (e) of this Section.

3 (d) Each employer shall maintain a record of each employee
4 that is accessible to the duly authorized representatives of
5 the Commission. The record shall contain all of the following
6 information:

7 (1) A photograph taken within 10 days after the date
8 that the employee begins employment with the employer. The
9 photograph shall be replaced with a current photograph
10 every 3 calendar years.

11 (2) The Employee's Statement specified in paragraph
12 (2) of subsection (a) of this Section.

13 (3) All correspondence or documents relating to the
14 character and integrity of the employee received by the
15 employer from any official source or law enforcement
16 agency.

17 (4) In the case of former employees, the employee
18 identification card of that person issued under subsection
19 (e) of this Section.

20 (e) Every employer shall furnish an employee
21 identification card to each of his or her employees. This
22 subsection (e) shall not apply to office or clerical personnel.
23 This employee identification card shall contain a recent
24 photograph of the employee, the employee's name, the name and
25 agency license number of the employer, the employee's personal
26 description, the signature of the employer, the signature of

1 that employee, the date of issuance, and an employee
2 identification card number.

3 (f) No employer may issue an employee identification card
4 to any person who is not employed by the employer in accordance
5 with this Section or falsely state or represent that a person
6 is or has been in his or her employ. It is unlawful for an
7 applicant for registration to file with the Commission the
8 fingerprints of a person other than himself or herself or to
9 fail to exercise due diligence in resubmitting replacement
10 fingerprints for those employees who have had original
11 fingerprint submissions returned as unclassifiable. An agency
12 shall inform the Commission within 15 days after contracting or
13 employing a licensed repossession agency employee. The
14 Commission shall develop a registration process by rule.

15 (g) Every employer shall obtain the identification card of
16 every employee who terminates employment with the employer. An
17 employer shall immediately report an identification card that
18 is lost or stolen to the local police department having
19 jurisdiction over the repossession agency location.

20 (h) No agency may employ any person to perform any activity
21 under this Act unless the person possesses a valid license or
22 recovery permit under this Act.

23 (i) If information is discovered affecting the
24 registration of a person whose fingerprints were submitted
25 under this Section, then the Commission shall so notify the
26 agency that submitted the fingerprints on behalf of that

1 person.

2 (j) A person employed under this Section shall have 15
3 business days within which to notify the Commission of any
4 change in employer, but may continue working under any other
5 recovery permits granted as an employee or independent
6 contractor.

7 (k) This Section applies only to those employees of
8 licensed repossession agencies whose duties include actual
9 repossession of collateral.

10 (l) An applicant who is 21 years of age or older seeking a
11 religious exemption to the photograph requirement of this
12 Section shall furnish with his or her application an approved
13 copy of United States Department of the Treasury Internal
14 Revenue Service Form 4029. Regardless of age, an applicant
15 seeking a religious exemption to this photograph requirement
16 shall submit fingerprints in a form and manner prescribed by
17 the Commission with his or her application in lieu of a
18 photograph.

19 (Source: P.A. 97-576, eff. 7-1-12.)

20 Section 30. The Private Detective, Private Alarm, Private
21 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
22 amended by changing Section 35-30 as follows:

23 (225 ILCS 447/35-30)

24 (Section scheduled to be repealed on January 1, 2024)

1 Sec. 35-30. Employee requirements. All employees of a
2 licensed agency, other than those exempted, shall apply for a
3 permanent employee registration card. The holder of an agency
4 license issued under this Act, known in this Section as
5 "employer", may employ in the conduct of his or her business
6 employees under the following provisions:

7 (a) No person shall be issued a permanent employee
8 registration card who:

9 (1) Is younger than 18 years of age.

10 (2) Is younger than 21 years of age if the services
11 will include being armed.

12 (3) Has been determined by the Department to be unfit
13 by reason of conviction of an offense in this or another
14 state, including registration as a sex offender, but not
15 including a traffic offense. Persons convicted of felonies
16 involving bodily harm, weapons, violence, or theft within
17 the previous 10 years shall be presumed to be unfit for
18 registration. The Department shall adopt rules for making
19 those determinations that shall afford the applicant due
20 process of law.

21 (4) Has had a license or permanent employee
22 registration card denied, suspended, or revoked under this
23 Act (i) within one year before the date the person's
24 application for permanent employee registration card is
25 received by the Department; and (ii) that refusal, denial,
26 suspension, or revocation was based on any provision of

1 this Act other than Section 40-50, item (6) or (8) of
2 subsection (a) of Section 15-10, subsection (b) of Section
3 15-10, item (6) or (8) of subsection (a) of Section 20-10,
4 subsection (b) of Section 20-10, item (6) or (8) of
5 subsection (a) of Section 25-10, subsection (b) of Section
6 25-10, item (7) of subsection (a) of Section 30-10,
7 subsection (b) of Section 30-10, or Section 10-40.

8 (5) Has been declared incompetent by any court of
9 competent jurisdiction by reason of mental disease or
10 defect and has not been restored.

11 (6) Has been dishonorably discharged from the armed
12 services of the United States.

13 (b) No person may be employed by a private detective
14 agency, private security contractor agency, private alarm
15 contractor agency, fingerprint vendor agency, or locksmith
16 agency under this Section until he or she has executed and
17 furnished to the employer, on forms furnished by the
18 Department, a verified statement to be known as "Employee's
19 Statement" setting forth:

20 (1) The person's full name, age, and residence address.

21 (2) The business or occupation engaged in for the 5
22 years immediately before the date of the execution of the
23 statement, the place where the business or occupation was
24 engaged in, and the names of employers, if any.

25 (3) That the person has not had a license or employee
26 registration denied, revoked, or suspended under this Act

1 (i) within one year before the date the person's
2 application for permanent employee registration card is
3 received by the Department; and (ii) that refusal, denial,
4 suspension, or revocation was based on any provision of
5 this Act other than Section 40-50, item (6) or (8) of
6 subsection (a) of Section 15-10, subsection (b) of Section
7 15-10, item (6) or (8) of subsection (a) of Section 20-10,
8 subsection (b) of Section 20-10, item (6) or (8) of
9 subsection (a) of Section 25-10, subsection (b) of Section
10 25-10, item (7) of subsection (a) of Section 30-10,
11 subsection (b) of Section 30-10, or Section 10-40.

12 (4) Any conviction of a felony or misdemeanor.

13 (5) Any declaration of incompetence by a court of
14 competent jurisdiction that has not been restored.

15 (6) Any dishonorable discharge from the armed services
16 of the United States.

17 (7) Any other information as may be required by any
18 rule of the Department to show the good character,
19 competency, and integrity of the person executing the
20 statement.

21 (c) Each applicant for a permanent employee registration
22 card shall have his or her fingerprints submitted to the
23 Department of State Police in an electronic format that
24 complies with the form and manner for requesting and furnishing
25 criminal history record information as prescribed by the
26 Department of State Police. These fingerprints shall be checked

1 against the Department of State Police and Federal Bureau of
2 Investigation criminal history record databases now and
3 hereafter filed. The Department of State Police shall charge
4 applicants a fee for conducting the criminal history records
5 check, which shall be deposited in the State Police Services
6 Fund and shall not exceed the actual cost of the records check.
7 The Department of State Police shall furnish, pursuant to
8 positive identification, records of Illinois convictions to
9 the Department. The Department may require applicants to pay a
10 separate fingerprinting fee, either to the Department or
11 directly to the vendor. The Department, in its discretion, may
12 allow an applicant who does not have reasonable access to a
13 designated vendor to provide his or her fingerprints in an
14 alternative manner. The Department, in its discretion, may also
15 use other procedures in performing or obtaining criminal
16 background checks of applicants. Instead of submitting his or
17 her fingerprints, an individual may submit proof that is
18 satisfactory to the Department that an equivalent security
19 clearance has been conducted. Also, an individual who has
20 retired as a peace officer within 12 months of application may
21 submit verification, on forms provided by the Department and
22 signed by his or her employer, of his or her previous full-time
23 employment as a peace officer.

24 (d) The Department shall issue a permanent employee
25 registration card, in a form the Department prescribes, to all
26 qualified applicants. The holder of a permanent employee

1 registration card shall carry the card at all times while
2 actually engaged in the performance of the duties of his or her
3 employment. Expiration and requirements for renewal of
4 permanent employee registration cards shall be established by
5 rule of the Department. Possession of a permanent employee
6 registration card does not in any way imply that the holder of
7 the card is employed by an agency unless the permanent employee
8 registration card is accompanied by the employee
9 identification card required by subsection (f) of this Section.

10 (e) Each employer shall maintain a record of each employee
11 that is accessible to the duly authorized representatives of
12 the Department. The record shall contain the following
13 information:

14 (1) A photograph taken within 10 days of the date that
15 the employee begins employment with the employer. The
16 photograph shall be replaced with a current photograph
17 every 3 calendar years.

18 (2) The Employee's Statement specified in subsection
19 (b) of this Section.

20 (3) All correspondence or documents relating to the
21 character and integrity of the employee received by the
22 employer from any official source or law enforcement
23 agency.

24 (4) In the case of former employees, the employee
25 identification card of that person issued under subsection
26 (f) of this Section. Each employee record shall duly note

1 if the employee is employed in an armed capacity. Armed
2 employee files shall contain a copy of an active firearm
3 owner's identification card and a copy of an active firearm
4 control card. Each employer shall maintain a record for
5 each armed employee of each instance in which the
6 employee's weapon was discharged during the course of his
7 or her professional duties or activities. The record shall
8 be maintained on forms provided by the Department, a copy
9 of which must be filed with the Department within 15 days
10 of an instance. The record shall include the date and time
11 of the occurrence, the circumstances involved in the
12 occurrence, and any other information as the Department may
13 require. Failure to provide this information to the
14 Department or failure to maintain the record as a part of
15 each armed employee's permanent file is grounds for
16 disciplinary action. The Department, upon receipt of a
17 report, shall have the authority to make any investigation
18 it considers appropriate into any occurrence in which an
19 employee's weapon was discharged and to take disciplinary
20 action as may be appropriate.

21 (5) A copy of the employee's permanent employee
22 registration card or a copy of the Department's "License
23 Lookup" Webpage showing that the employee has been issued a
24 valid permanent employee registration card by the
25 Department.

26 The Department may, by rule, prescribe further record

1 requirements.

2 (f) Every employer shall furnish an employee
3 identification card to each of his or her employees. This
4 employee identification card shall contain a recent photograph
5 of the employee, the employee's name, the name and agency
6 license number of the employer, the employee's personal
7 description, the signature of the employer, the signature of
8 that employee, the date of issuance, and an employee
9 identification card number.

10 (g) No employer may issue an employee identification card
11 to any person who is not employed by the employer in accordance
12 with this Section or falsely state or represent that a person
13 is or has been in his or her employ. It is unlawful for an
14 applicant for registered employment to file with the Department
15 the fingerprints of a person other than himself or herself.

16 (h) Every employer shall obtain the identification card of
17 every employee who terminates employment with him or her.

18 (i) Every employer shall maintain a separate roster of the
19 names of all employees currently working in an armed capacity
20 and submit the roster to the Department on request.

21 (j) No agency may employ any person to perform a licensed
22 activity under this Act unless the person possesses a valid
23 permanent employee registration card or a valid license under
24 this Act, or is exempt pursuant to subsection (n).

25 (k) Notwithstanding the provisions of subsection (j), an
26 agency may employ a person in a temporary capacity if all of

1 the following conditions are met:

2 (1) The agency completes in its entirety and submits to
3 the Department an application for a permanent employee
4 registration card, including the required fingerprint
5 receipt and fees.

6 (2) The agency has verification from the Department
7 that the applicant has no record of any criminal conviction
8 pursuant to the criminal history check conducted by the
9 Department of State Police. The agency shall maintain the
10 verification of the results of the Department of State
11 Police criminal history check as part of the employee
12 record as required under subsection (e) of this Section.

13 (3) The agency exercises due diligence to ensure that
14 the person is qualified under the requirements of the Act
15 to be issued a permanent employee registration card.

16 (4) The agency maintains a separate roster of the names
17 of all employees whose applications are currently pending
18 with the Department and submits the roster to the
19 Department on a monthly basis. Rosters are to be maintained
20 by the agency for a period of at least 24 months.

21 An agency may employ only a permanent employee applicant
22 for which it either submitted a permanent employee application
23 and all required forms and fees or it confirms with the
24 Department that a permanent employee application and all
25 required forms and fees have been submitted by another agency,
26 licensee or the permanent employee and all other requirements

1 of this Section are met.

2 The Department shall have the authority to revoke, without
3 a hearing, the temporary authority of an individual to work
4 upon receipt of Federal Bureau of Investigation fingerprint
5 data or a report of another official authority indicating a
6 criminal conviction. If the Department has not received a
7 temporary employee's Federal Bureau of Investigation
8 fingerprint data within 120 days of the date the Department
9 received the Department of State Police fingerprint data, the
10 Department may, at its discretion, revoke the employee's
11 temporary authority to work with 15 days written notice to the
12 individual and the employing agency.

13 An agency may not employ a person in a temporary capacity
14 if it knows or reasonably should have known that the person has
15 been convicted of a crime under the laws of this State, has
16 been convicted in another state of any crime that is a crime
17 under the laws of this State, has been convicted of any crime
18 in a federal court, or has been posted as an unapproved
19 applicant by the Department. Notice by the Department to the
20 agency, via certified mail, personal delivery, electronic
21 mail, or posting on the Department's Internet site accessible
22 to the agency that the person has been convicted of a crime
23 shall be deemed constructive knowledge of the conviction on the
24 part of the agency. The Department may adopt rules to implement
25 this subsection (k).

26 (1) No person may be employed under this Section in any

1 capacity if:

2 (1) the person, while so employed, is being paid by the
3 United States or any political subdivision for the time so
4 employed in addition to any payments he or she may receive
5 from the employer; or

6 (2) the person wears any portion of his or her official
7 uniform, emblem of authority, or equipment while so
8 employed.

9 (m) If information is discovered affecting the
10 registration of a person whose fingerprints were submitted
11 under this Section, the Department shall so notify the agency
12 that submitted the fingerprints on behalf of that person.

13 (n) Peace officers shall be exempt from the requirements of
14 this Section relating to permanent employee registration
15 cards. The agency shall remain responsible for any peace
16 officer employed under this exemption, regardless of whether
17 the peace officer is compensated as an employee or as an
18 independent contractor and as further defined by rule.

19 (o) Persons who have no access to confidential or security
20 information, who do not go to a client's or prospective
21 client's residence or place of business, and who otherwise do
22 not provide traditional security services are exempt from
23 employee registration. Examples of exempt employees include,
24 but are not limited to, employees working in the capacity of
25 ushers, directors, ticket takers, cashiers, drivers, and
26 reception personnel. Confidential or security information is

1 that which pertains to employee files, scheduling, client
2 contracts, or technical security and alarm data.

3 (p) An applicant who is 21 years of age or older seeking a
4 religious exemption to the photograph requirement of this
5 Section shall furnish with the application an approved copy of
6 United States Department of the Treasury Internal Revenue
7 Service Form 4029. Regardless of age, an applicant seeking a
8 religious exemption to this photograph requirement shall
9 submit fingerprints in a form and manner prescribed by the
10 Department with his or her application in lieu of a photograph.
11 (Source: P.A. 98-253, eff. 8-9-13.)