



Rep. Kathleen Willis

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1 AMENDMENT TO HOUSE BILL 1016

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1016 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Gun  
5 Dealer Licensing Act.

6 Section 5. Definitions. As used in this Act:

7 "Address of record" means the designated address recorded  
8 by the Department in the applicant's, dealer's or dealership  
9 agent's application file or license file as maintained by the  
10 Department's licensure maintenance unit. It is the duty of the  
11 applicant or dealer to inform the Department of any change of  
12 address, and those changes must be made either through the  
13 Department's website or by contacting the Department's  
14 licensure maintenance unit.

15 "Applicant" means any person who applies for a dealership  
16 license or dealer license, or the renewal of the dealership

1 license or dealer license under this Act.

2 "Board" means the Gun Dealer Licensing Board.

3 "Confidential or security information" means information  
4 which identifies the purchasers or other transferees of  
5 firearms from a dealer or dealership.

6 "Dealer" means any person engaged in the business of  
7 selling, leasing, or otherwise transferring firearms. "Dealer"  
8 includes any person engaged in the business of selling firearms  
9 at wholesale or retail, or repairing firearms or making or  
10 fitting special barrels, stocks, or trigger mechanisms to  
11 firearms.

12 "Dealership" means a person, firm, corporation, or other  
13 legal entity that engages in the business of selling, leasing,  
14 or otherwise transferring firearms and employs, in addition to  
15 the gun dealer licensee-in-charge, at least one other  
16 dealership agent.

17 "Dealership agent" means an owner, officer, paid or unpaid  
18 agent, volunteer or employee of a licensed dealership who has  
19 access to or control of firearms in the inventory of the  
20 dealership or confidential or security information of the  
21 dealership.

22 "Dealership licensee-in-charge" or "licensee-in-charge"  
23 means a dealer who has been designated by a dealership to be  
24 the licensee-in-charge of the dealership, who is a full-time  
25 management employee or owner who assumes sole responsibility  
26 for maintaining all records required by this Act, and who

1 assumes sole responsibility for assuring the dealership's  
2 compliance with its responsibilities as stated in this Act. The  
3 Department shall adopt rules mandating licensee-in-charge  
4 participation in dealership affairs.

5 "Department" means the Department of Financial and  
6 Professional Regulation.

7 "Engage in the business of selling, leasing, or otherwise  
8 transferring firearms" means to:

9 (1) conduct a business selling, leasing, or  
10 transferring firearms;

11 (2) hold himself or herself out as engaged in the  
12 business of selling, leasing or otherwise transferring  
13 firearms; or

14 (3) sell, lease, or transfer firearms in quantity, in  
15 series, or in any other manner indicative of trade.

16 "Firearm" has the same meaning as "firearm" in Section 1.1  
17 of the Firearm Owners Identification Card Act.

18 "Licensee" means a dealer or a dealership licensed under  
19 this Act. Anyone who holds himself or herself out as a licensee  
20 or who is accused of unlicensed business is considered a  
21 licensee for purposes of enforcement, investigation, hearings,  
22 and the Illinois Administrative Procedure Act.

23 "Manufacturer" means any person engaged in the business of  
24 manufacturing firearms or ammunition for purposes of sale or  
25 distribution.

26 "Person" means a natural person.

1           "Secretary" means the Secretary of Financial and  
2 Professional Regulation.

3           Section 10. License requirement.

4           (a) It is unlawful for a person to engage in the business  
5 of selling, leasing, or otherwise transferring firearms  
6 without a license under this Act. A dealership agent other than  
7 a dealer licensee-in-charge may act on behalf of the licensed  
8 dealership under Section 75 without being licensed as a dealer  
9 under this Act.

10          (b) It is unlawful for a person, firm, corporation, group  
11 of individuals, or other legal entity to act as a dealership  
12 licensed under this Act, to advertise, or to assume to act as a  
13 licensed dealership or to use a title implying that the person,  
14 firm, or other entity is engaged in business as a dealership  
15 without a license under this Act. An individual or sole  
16 proprietor licensed as a dealer who operates without any  
17 dealership agents may act as a dealership without having to  
18 obtain a dealership license, provided the dealer notifies the  
19 Department that he or she is operating in this manner and  
20 provides the information required under Section 65, as  
21 determined to be applicable to the dealer by the Department.  
22 The dealer may operate under a "doing business as" or assumed  
23 name certification so long as the assumed name is first  
24 registered with the Department.

25          This subsection (b) does not apply to:

1           (1) a person who possesses a license to manufacture  
2           firearms under subsection (a) of Section 923 of the federal  
3           Gun Control Act of 1968 (18 U.S.C. 923(a)); or

4           (2) a person who is actually engaged in the business of  
5           manufacturing and selling any piece or part of a firearm,  
6           but only with respect to the activities which are within  
7           the lawful scope of that business.

8           (c) No dealership shall operate a branch office without  
9           first applying for and receiving a branch office license for  
10          each location. The term "branch office" does not include a  
11          location at which the dealership conducts business  
12          temporarily, such as at a gun show.

13          (d) It is unlawful to obtain or attempt to obtain any  
14          license or authorization issued under this Act by fraudulent  
15          misrepresentation.

16          (e) A person who violates any provision of this Section is  
17          guilty of a Class A misdemeanor for a first violation, and a  
18          Class 4 felony for a second or subsequent violation.

19          (f) In addition to any other penalty provided by law, any  
20          person or entity who violates any provision of this Section  
21          shall, pay a civil penalty to the Department in an amount not  
22          to exceed \$10,000 for each offense as determined by the  
23          Department. The civil penalty shall be assessed by the  
24          Department after a hearing is held in accordance with the  
25          provisions set forth in this Act regarding the provision of a  
26          hearing for the discipline of a licensee.

1           (g) The Department has the authority and power to  
2 investigate any and all unlicensed activity.

3           (h) The civil penalty shall be paid within 60 days after  
4 the effective date of the order imposing the civil penalty. The  
5 order shall constitute a judgment and may be filed and  
6 execution had thereon in the same manner as any judgment from  
7 any court of record.

8           Section 15. Exemptions. The provisions of this Act related  
9 to the licensure of dealers and dealerships do not apply to a  
10 person or other entity that engages in the following  
11 activities:

12           (1) transfers of less than 10 firearms within each calendar  
13 year;

14           (2) temporary transfers of firearms solely for use at the  
15 location or on the premises where the transfer takes place,  
16 such as transfers at a shooting range for use at that location;

17           (3) temporary transfers of firearms solely for use while in  
18 the presence of the transferor, such as transfers for the  
19 purposes of firearm safety training by a training instructor;

20           (4) transfers of firearms among immediate family or  
21 household members, as "immediate family or household member" is  
22 defined in Section 3-2.7-10 of the Unified Code of Corrections;

23           (5) transfers by persons or entities acting under operation  
24 of law or a court order;

25           (6) transfers by persons or entities liquidating all or

1 part of a collection, provided that a person or entity is not  
2 considered to be liquidating a collection if the person or  
3 entity acquires more than one additional firearm within the  
4 3-year period after the transfer;

5 (7) transfers of firearms that have been rendered  
6 permanently inoperable to a nonprofit historical society,  
7 museum, or institutional collection;

8 (8) transfers by a law enforcement or corrections agency or  
9 a law enforcement or corrections officer acting within the  
10 course and scope of his or her official duties;

11 (9) transfers by a person who has his or her Firearm  
12 Owner's Identification Card revoked to a State or local law  
13 enforcement agency;

14 (10) transfers of curios and relics, as defined under  
15 federal law, between collectors licensed under subsection (b)  
16 of Section 923 of the federal Gun Control Act of 1968; or

17 (11) transfers of firearms by an entity in which less than  
18 20% of the entity's gross receipts in any one month period is  
19 from the sale of firearms.

20 Section 20. Powers and duties of the Department. Subject to  
21 the provisions of this Act, the Department shall exercise the  
22 following powers and duties:

23 (1) Prescribe forms to be issued for the administration  
24 and enforcement of this Act.

25 (2) Prescribe and publish rules for issuance of dealer

1 licenses and dealership licenses authorizing qualified  
2 applicants to engage in the business of selling, leasing,  
3 or otherwise transferring firearms.

4 (3) Review application to ascertain the qualifications  
5 of applicants for licenses.

6 (4) Examine the records of licensees or investigate any  
7 other aspect of the business of selling, leasing, or  
8 otherwise transferring firearms.

9 (5) Conduct hearings on proceedings to refuse to issue  
10 or renew licenses or to revoke, suspend, place on  
11 probation, reprimand, or take any other disciplinary or  
12 non-disciplinary action against licenses issued under this  
13 Act.

14 (6) Formulate rules required for the administration of  
15 this Act. Notice of proposed rulemaking shall be  
16 transmitted to the Board, and the Department shall review  
17 the Board's response and any recommendations made in the  
18 response.

19 (7) Solicit the advice and expert knowledge of the  
20 Board on any matter relating to the administration and  
21 enforcement of this Act.

22 (8) Maintain rosters of the names and addresses of all  
23 licensees and all persons whose licenses have been  
24 suspended, revoked, denied renewal, or otherwise  
25 disciplined within the previous calendar year. These  
26 rosters shall be available upon written request and payment



1 of the required fee as established by rule.

2 (9) Exercise the powers and duties prescribed by the  
3 Civil Administrative Code of Illinois for the  
4 administration of licensing Acts.

5 (10) Contract with the Department of State Police, as  
6 necessary, to perform inspections of licensees, as  
7 provided under this Act.

8 Section 25. The Gun Dealer Licensing Board.

9 (a) The Gun Dealer Licensing Board shall consist of 5  
10 members to be appointed by the Secretary. Each member shall  
11 have a reasonable knowledge of the federal and State laws  
12 regarding firearms. Each member shall either be a resident of  
13 this State or shall certify that he or she will become a  
14 resident of this State before taking office. The Board shall  
15 consist of:

16 (1) one member with at least 5 years of service as a  
17 county sheriff or chief of police of a municipal police  
18 department within this State;

19 (2) one representative of the Department State Police  
20 with at least 5 years investigative experience or duties  
21 related to criminal justice;

22 (3) one member with at least 5 years of experience as a  
23 federally licensed firearms dealer in good standing within  
24 this State;

25 (4) one member who is a representative of an advocacy

1 group for public safety; and

2 (5) one member shall be a lawyer licensed to practice  
3 law in this State. The membership shall reasonably reflect  
4 the different geographic areas in this State.

5 (b) Members shall serve 4 year terms and may serve until  
6 their successors are appointed and qualified. Partial terms of  
7 over 2 years in length shall be considered full terms. No  
8 member shall serve for more than 2 successive terms. Whenever a  
9 vacancy in the Board occurs, the remaining members of the Board  
10 shall notify the Secretary of that vacancy within 5 days after  
11 its occurrence and the Secretary shall fill the vacancy within  
12 45 days. Appointments to fill vacancies shall be made in the  
13 same manner as the original appointments for the unexpired  
14 portion of the vacated term.

15 (c) The Secretary may recommend the removal of any member  
16 of the Board for cause at any time before the expiration of his  
17 or her term. A majority vote of the members is required for a  
18 decision to remove any member of the Board. A member subject to  
19 formal disciplinary proceedings shall disqualify himself or  
20 herself from all Board business until the charge is resolved. A  
21 member also shall disqualify himself or herself from any matter  
22 on which the member cannot act objectively.

23 (d) The Board shall annually elect one of its members as  
24 chairperson and one of its members as vice-chair.

25 (e) Members shall receive compensation as set by law. Each  
26 member shall receive reimbursement as set by the Governor's

1 Travel Control Board for expenses incurred in carrying out the  
2 duties as a Board member.

3 (f) A majority of Board members constitutes a quorum. A  
4 majority vote of the members is required for a decision. A  
5 vacancy in the membership of the Board shall not impair the  
6 right of a quorum to exercise all of the rights and perform all  
7 of the duties of the Board.

8 (g) The Board may recommend policies, procedures, and rules  
9 relevant to the administration and enforcement of this Act.

10 Section 30. Application for license; forms.

11 (a) Each license application shall be on forms provided by  
12 the Department.

13 (b) Every application for an original dealer license shall  
14 include the applicant's social security number, which shall be  
15 retained in the dealership's records pertaining to the license.  
16 As soon as practical, the Department shall assign a customer's  
17 identification number to each applicant for a license.

18 Every application for a renewal or restored license shall  
19 require the applicant's customer identification number.

20 (c) Beginning January 1, 2018, the Department shall accept  
21 applications for dealership licenses and dealer licenses.

22 Section 35. Issuance of license; renewal; fees.

23 (a) The Department shall, upon the applicant's  
24 satisfactory completion of the requirements under this Act and

1 receipt of the fee, issue the license indicating the name and  
2 business location of the licensee and the date of expiration.  
3 On or before December 31, 2018, the Department shall issue  
4 dealer and dealership licenses to all qualified applicants  
5 whose business existed in that location on the effective date  
6 of this Act, and who submitted the application to the  
7 Department on or after January 1, 2018 but before October 1,  
8 2018. If an applicant submits an application for a license  
9 before October 1, 2018 and the Department does not issue or  
10 deny the license on or before December 31, 2018, or the  
11 Department does not issue or deny a license within 90 days to  
12 an applicant who submits an application for a license or  
13 renewal of a license on October 1, 2018 or thereafter, the  
14 applicant or licensee shall not be in violation of this Act on  
15 the basis of continuing to operate the business.

16 (b) The expiration date, renewal period, and conditions for  
17 renewal and restoration of each license shall be set by rule.  
18 The holder may renew the license during the 90 days preceding  
19 its expiration by paying the required fee and by meeting  
20 conditions that the Department may specify. As a condition of  
21 renewal of a dealer's license, the Department shall receive  
22 from the applicant a copy of his or her valid and unexpired  
23 concealed carry license, or shall verify the validity of the  
24 applicant's Firearm Owner's Identification Card through the  
25 Department of State Police in a manner prescribed by rule by  
26 the Department of State Police. A dealership or dealer

1 operating on an expired license is considered to be practicing  
2 without a license.

3 (c) A dealership that has permitted a license to expire may  
4 have it restored by submitting an application to the  
5 Department, successfully completing an inspection by the  
6 Department, and by paying the required restoration fee and all  
7 lapsed renewal fees.

8 (d) A dealer that has permitted a license to expire may  
9 have it restored by submitting an application to the  
10 Department, paying the required restoration fee and all lapsed  
11 renewal fees and by providing evidence of competence to resume  
12 practice satisfactory to the Department and the Board, which  
13 shall include a copy of the license holder's valid and  
14 unexpired concealed carry license, or verification of the  
15 continued validity of the license holder's Firearm Owner's  
16 Identification Card through the Department of State Police in a  
17 manner prescribed by rule by the Department of State Police,  
18 and may include passing a written examination.

19 (e) Any dealer whose license has expired while he or she  
20 has been engaged (1) in the federal service in active duty with  
21 the Army of the United States, the United States Navy, the  
22 Marine Corps, the Air Force, the Coast Guard, or the State  
23 Militia called into the service or training of the United  
24 States of America, or (2) in training or education under the  
25 supervision of the United States preliminary to induction into  
26 the military service, may have his or her license restored

1 without paying any lapsed renewal fees or restoration fee, if  
2 within 2 years after termination of that service, training or  
3 education, other than by dishonorable discharge, he or she  
4 furnishes the Department with an affidavit to the effect that  
5 he or she has been so engaged and that his or her service,  
6 training or education has been so terminated.

7 (f) A license shall not be denied any applicant because of  
8 the race, religion, creed, national origin, political beliefs  
9 or activities, age, sex, sexual orientation, or physical  
10 disability that does not affect a person's ability to practice  
11 with reasonable judgment, skill, or safety.

12 Section 40. Qualifications for licensure as a dealer.

13 (a) A person is qualified for licensure as a dealer if he  
14 or she meets all of the following requirements:

15 (1) is at least 21 years of age;

16 (2) has a currently valid and unexpired concealed carry  
17 license or Firearm Owner's Identification Card. The  
18 Department shall verify the validity of the applicant's  
19 Firearm Owner's Identification Card through the Department  
20 of State Police in a manner prescribed by rule by the  
21 Department of State Police. The Department of State Police  
22 shall provide the Department with an approval number if the  
23 Firearm Owner's Identification Card is currently valid;

24 (3) has not had a license or permit to sell, lease,  
25 transfer, purchase, or possess firearms from the federal

1 government or the government of any state or subdivision of  
2 any state revoked or suspended for good cause within the  
3 preceding 3 years, or been terminated from employment with  
4 a licensee or former licensee for good cause within the  
5 preceding 3 years;

6 (4) has a minimum of one year of experience, with a  
7 minimum of 100 hours per year, during the 5 years  
8 immediately preceding the application: (i) as a dealership  
9 agent under this Act; or (ii) as a federal firearms dealer  
10 licensed under Section 923 of the federal Gun Control Act  
11 of 1968 (18 U.S.C. 923) or an employee of the business who  
12 had access to firearms; and

13 (5) has paid the fees required by this Act.

14 (b) The Department may request a personal interview of an  
15 applicant before the Board to further evaluate his or her  
16 qualifications for a license.

17 Section 45. Qualifications for licensure as a dealership.

18 (a) Upon receipt of the required fee and the information  
19 listed in subsection (b) of this Section, the Department shall  
20 issue a license as a dealership to any of the following:

21 (1) An individual who submits an application and is a  
22 licensed dealer under this Act.

23 (2) A firm that submits an application and all of the  
24 members of the firm are licensed dealers under this Act.

25 (3) A corporation or limited liability company doing

1 business in this State that is authorized by its articles  
2 of incorporation or organization to engage in the business  
3 of conducting a dealership if at least one executive  
4 employee is licensed as a dealer under this Act.

5 (b) The Department shall require all of the following  
6 information from each applicant for licensure as a dealership  
7 under this Act:

8 (1) The name, full business address, and telephone  
9 number of the dealership. The business address for the  
10 dealership shall be the complete street address where  
11 firearms in the inventory of the dealership are regularly  
12 stored, shall be located within the State, and may not be a  
13 P.O. Box. The applicant shall submit proof that the  
14 business location is or will be used to conduct the  
15 dealership's business.

16 (2) All trade or business names used by the licensee.

17 (3) The type of ownership or operation, such as a  
18 partnership, corporation, or sole proprietorship.

19 (4) The name of the owner or operator of the  
20 dealership, including:

21 (A) if a person, then the name and address of  
22 record of the person;

23 (B) if a partnership, then the name and address of  
24 record of each partner and the name of the partnership;

25 (C) if a corporation, then the name, address of  
26 record, and title of each corporate officer and



1 director, the corporate names, and the name of the  
2 state of incorporation; and

3 (D) if a sole proprietorship, then the full name  
4 and address of record of the sole proprietor and the  
5 name of the business entity.

6 (5) The name and license number of the  
7 licensee-in-charge for the dealership.

8 (6) Proof that the applicant has applied for or  
9 received a certificate of registration under the  
10 Retailers' Occupation Tax Act.

11 (7) From the sheriff of the county in which the  
12 business address is located either (A) written  
13 confirmation stating that, to the best of the sheriff's  
14 knowledge, the applicant is in compliance with applicable  
15 federal, State, and local laws, or (B) objection in writing  
16 to a license applicant based upon a reasonable suspicion  
17 that the applicant is not in compliance with applicable  
18 federal, State, and local laws. A written confirmation or  
19 objection may be submitted to the Department up to 30 days  
20 after the date of application. If no written confirmation  
21 or objection is made under this paragraph (7) within 30  
22 days after the date of the application, the Department  
23 shall process the application in accordance with this Act.  
24 A municipality or county may impose additional  
25 requirements for the operation of gun dealers and  
26 dealerships beyond the requirements of this Act and

1 consistent with the United States Constitution and the  
2 Constitution of the State of Illinois, including local  
3 license requirements. It shall be the duty of local  
4 authorities to investigate and enforce any failure of a  
5 dealer or dealership to meet these requirements and to  
6 notify the Department of these investigations and  
7 enforcement actions. This paragraph (7) supersedes Section  
8 13.1 of the Firearm Owners Identification Card Act and  
9 Section 90 of the Firearm Concealed Carry Act as applied to  
10 the local regulation of dealers and dealerships.

11 (8) Proof that the dealership is properly licensed as a  
12 firearms dealer under federal law.

13 (9) A final inspection report demonstrating that the  
14 Department has determined upon inspection that the  
15 proposed business premises comply with Section 70.

16 (c) No dealer may be the licensee-in-charge for more than  
17 one dealership. Upon written request by a representative of a  
18 dealership, within 10 days after the loss of a  
19 licensee-in-charge of a dealership because of the death of that  
20 individual or because of the termination of the employment of  
21 that individual, the Department shall issue a temporary  
22 certificate of authority allowing the continuing operation of  
23 the licensed dealership. No temporary certificate of authority  
24 shall be valid for more than 90 days. An extension of an  
25 additional 90 days may be granted upon written request by the  
26 representative of the dealership. Not more than 2 extensions

1 may be granted to any dealership. No temporary permit shall be  
2 issued for loss of the licensee-in-charge because of  
3 disciplinary action by the Department related to his or her  
4 conduct on behalf of the dealership.

5 (d) The Department may request a personal interview of a  
6 gun dealership licensee-in-charge to evaluate the dealership's  
7 qualifications for a license.

8 Section 50. Display of license. Each licensee shall  
9 prominently display his or her individual, agency, or branch  
10 office license at each place where business is being conducted,  
11 as required under this Act. A licensee-in-charge is required to  
12 post his or her license only at the dealership office.

13 Section 55. Requirements; prohibitions.

14 (a) The Department of Financial and Professional  
15 Regulation shall implement the provisions of this Section by  
16 rule.

17 (b) A licensee shall maintain operating documents which  
18 shall include procedures for the oversight of the licensee and  
19 procedures to ensure accurate recordkeeping.

20 (c) By the date of application, a licensee shall implement  
21 appropriate security measures, as provided by rule, to deter  
22 and prevent the theft of firearms and unauthorized entrance  
23 into areas containing firearms. The rules may provide for:

24 (1) the manner of securing firearms when the location

1 is both open and closed for business;

2 (2) alarm systems for licensees; and

3 (3) other reasonable requirements to deter illegal  
4 sales and reduce the risk of burglaries and other crimes or  
5 accidents at licensees' business establishments.

6 (d) The licensed business location shall be equipped with a  
7 video surveillance system sufficient to monitor the critical  
8 areas of the business premises, including, but not limited to,  
9 all places where firearms are stored, handled, sold,  
10 transferred, or carried. The video surveillance system shall  
11 operate without interruption, whenever the licensee is open for  
12 business. Whenever the licensee is not open for business, the  
13 system shall be triggered by a motion detector and begin  
14 recording immediately upon detection of any motion within the  
15 monitored area. In addition, every sale or transfer of a  
16 firearm, including sales and transfers that take place at  
17 locations other than the business premises, shall be recorded  
18 by the video surveillance system in a way that the facial  
19 features of the purchaser or transferee are clearly visible.  
20 The stored images shall be maintained on the business premises  
21 of the licensee for a period of not less than one year from the  
22 date of recordation and shall only be available for inspection  
23 on the premises by the licensee, the licensee's dealership  
24 agents, the Department and federal, State, and local law  
25 enforcement upon request, and neither the stored images nor  
26 copies, records, or reproductions of the stored images shall

1 leave the custody of the licensee except under a court order,  
2 subpoena, or search warrant. The licensee shall post a sign in  
3 a conspicuous place at each entrance to the premises that  
4 states in block letters not less than one inch in height:

5           THESE PREMISES ARE UNDER VIDEO SURVEILLANCE. YOUR  
6           IMAGE MAY BE RECORDED.

7           (e) The area where the licensee stores firearms that are  
8 inventory of the licensee shall only be accessed by dealership  
9 agents, Department of Financial and Professional Regulation  
10 staff performing inspections, law enforcement or other  
11 emergency personnel, and contractors working on jobs unrelated  
12 to firearms, such as installing or maintaining security devices  
13 or performing electrical wiring.

14           (f) A licensee shall operate its business and conduct all  
15 sales and transfers of firearms or in compliance with all  
16 federal and State laws, and maintain all records as required by  
17 federal and State laws.

18           (g) A licensee shall not allow any person to handle  
19 firearms while intoxicated.

20           (h) A licensee shall post in a conspicuous position on the  
21 premises where the licensee conducts business a sign that  
22 contains the following warning in block letters not less than  
23 one inch in height:

24           "With few exceptions, it is unlawful for you to:

25                   (1) store or leave an unsecured firearm in a place  
26                   where a child can obtain access to it,

1           (2) sell or transfer your firearm to someone else  
2           without receiving approval for the transfer from the  
3           Department of State Police, or

4           (3) fail to report the loss or theft of your  
5           firearm to local law enforcement within 72 hours."

6           A licensee shall post any additional warnings or provide  
7           any other information regarding firearms laws and the safe  
8           storage of firearms to consumers as required by the Department  
9           by rule.

10          (i) Before issuance, renewal, or restoration of a  
11          dealership license, the Department shall inspect the premises  
12          of the proposed business to ensure compliance with this Act.  
13          Licensees shall have their places of business open for  
14          inspection by the Department and law enforcement during all  
15          hours of operation, provided that the Department may conduct no  
16          more than one unannounced inspection per dealer or dealership  
17          per year without good cause. Licensees shall make all records,  
18          documents, and firearms accessible for inspection upon the  
19          request of law enforcement and the Department.

20          (j) The premises where the licensee conducts business shall  
21          not be located in any district or area that is within 1,000  
22          feet of any school, pre-school, or day-care facility, except  
23          that the premises where a licensee conducts business may be  
24          located in an area that is between 500 and 1,000 feet of a  
25          school, pre-school, or day-care facility located in a  
26          municipality with more than 1,000,000 inhabitants. This

1 subsection (j) does not apply to a licensee whose business  
2 existed in that location on the effective date of this Act, and  
3 does not limit the authority of a local government to impose  
4 and enforce additional limits on the location of a business  
5 regulated under this Act.

6 Section 60. Dealership agent requirements. A dealership  
7 may employ in the conduct of his or her business dealership  
8 agents under the following provisions:

9 (1) A dealership shall not knowingly allow a person to have  
10 unsupervised access to firearms in the inventory of the  
11 dealership or confidential or security information who:

12 (A) is younger than 21 years of age;

13 (B) Does not have a valid and unexpired concealed carry  
14 license or Firearm Owner's Identification Card; or

15 (C) Has had a license denied, suspended, or revoked  
16 under this Act, or been terminated from employment as a  
17 dealership agent:

18 (i) within one year before the date the person's  
19 application for employment with the dealership; and

20 (ii) that refusal, denial, suspension, revocation,  
21 or termination was based on any provision of this Act.

22 (2) No person may act as a dealership agent under this  
23 Section until he or she has executed and furnished to the  
24 employer, on forms furnished by the Department, a verified  
25 statement to be known as "Dealership Agent's Statement" setting

1     forth:

2             (A) The person's full name, age, and residence address.

3             (B) That the person has not had a license denied,  
4             revoked, or suspended under this Act, or been terminated  
5             from employment as a dealership agent:

6                 (i) within one year before the date the person's  
7             application for employment with the dealership; and

8                 (ii) that refusal, denial, suspension, revocation,  
9             or termination was based on any provision of this Act.

10            (C) That the person will notify the dealership  
11            immediately if his or her Firearm Owner's Identification  
12            Card or concealed carry license is revoked for any reason.

13            (D) That the person will not divert firearms in  
14            violation of the law.

15            (3) Each applicant for employment as a dealership agent  
16            shall provide a copy of his or her valid and unexpired  
17            concealed carry license, or have the validity of his or her  
18            Firearm Owner's Identification Card confirmed by the  
19            dealership through the Department of State Police in a manner  
20            prescribed by rule by the Department of State Police. The  
21            Department of State Police shall provide the dealership with an  
22            approval number if the Firearm Owner's Identification Card is  
23            currently valid.

24            (4) As part of an application for renewal or restoration of  
25            a dealership license, the dealership shall confirm the validity  
26            of the Firearm Owner's Identification Card of each dealership



1 agent employed by the dealership, and record the unique  
2 approval number provided by the Department of State Police in  
3 the record maintained under paragraph (5) of this Section,  
4 provided that a dealership shall not be required to confirm the  
5 validity of the Firearm Owner's Identification Card of a  
6 dealership agent if the dealership has already confirmed the  
7 validity of the dealership agent's Firearm Owner's  
8 Identification Card within the last 6 months or the dealership  
9 agent has provided the dealership with a copy of his or her  
10 valid and unexpired concealed carry license within the last 6  
11 months.

12 (5) Each dealership shall maintain a record of each  
13 dealership agent that is accessible to the Department. The  
14 record shall contain the following information:

15 (A) The Dealership Agent's Statement specified in  
16 paragraph (2) of this Section; and

17 (B) A copy of the dealership agent's concealed carry  
18 license or Firearm Owner's Identification Card, and the  
19 approval number provided by the Department of State Police  
20 when the dealership last confirmed the validity of the  
21 dealership agent's Firearm Owner's Identification Card.  
22 The Department may, by rule, prescribe further record  
23 requirements.

24 (6) Every dealership shall maintain a separate roster of  
25 the names of all dealership agents and submit the roster to the  
26 Department on request.

1           (7) No dealership may employ any person to perform a  
2 licensed activity under this Act unless the person possesses a  
3 valid dealer license under this Act or the requirements of this  
4 Section are met, or the person is exempt under paragraph (8) of  
5 this Section.

6           (8) Peace officers shall be exempt from the requirements of  
7 this Section relating to Firearm Owner's Identification Cards  
8 and concealed carry licenses. The dealership shall remain  
9 responsible for any peace officer employed under this  
10 exemption, regardless of whether the peace officer is  
11 compensated as an employee or as an independent contractor and  
12 as further defined by rule.

13           (9) Persons who have no unsupervised access to firearms in  
14 the inventory of a dealership or confidential or security  
15 information are exempt from the requirements of a dealership  
16 agent.

17           (10) This Section shall apply to unpaid or paid volunteers  
18 or other agents of the dealership who will have access to or  
19 control over firearms in the inventory of the dealership or  
20 confidential or security information, just as it applies to  
21 paid employees.

22           Section 65. Employment requirement. A dealership licensed  
23 under this Act is prohibited from evading or attempting to  
24 evade the requirements for dealership agents under this Act by  
25 engaging a contractor or independent contractor to perform the

1 activities of a dealer or dealership agent, unless that person  
2 is licensed under this Act.

3 Section 70. Disciplinary sanctions.

4 (a) The Department may deny issuance, refuse to renew, or  
5 restore or may reprimand, place on probation, suspend, revoke,  
6 or take other disciplinary or non-disciplinary action against  
7 any license, may impose a fine not to exceed \$10,000 for each  
8 violation, and may assess costs as provided for under Section  
9 135, for any of the following, consistent with the Protection  
10 of Lawful Commerce in Arms Act, 15 U.S.C. 7901 through 7903 or  
11 amendments thereto:

12 (1) Material misstatement in furnishing information to  
13 the Department or to any other State or federal agency.

14 (2) Violations of this Act, any of the rules adopted  
15 under this Act, or any law applicable to the sale or  
16 transfer of firearms.

17 (3) Making any misrepresentation for the purpose of  
18 obtaining licenses or cards.

19 (4) A pattern of practice or other behavior which  
20 demonstrates incapacity or incompetency to practice under  
21 this Act.

22 (5) Aiding or assisting another person in violating any  
23 provision of this Act or rules adopted under this Act.

24 (6) Failing, within 60 days, to provide information in  
25 response to a written request made by the Department.

1           (7) Conviction of or plea of guilty or plea of nolo  
2           contendere to any crime that disqualifies the person from  
3           obtaining a valid Firearm Owner's Identification Card.

4           (8) Continued practice, although the person has become  
5           unfit to practice due to any of the following:

6                   (A) Physical illness, mental illness, or other  
7                   impairment, including, but not limited to,  
8                   deterioration through the aging process or loss of  
9                   motor skills that results in the inability to serve the  
10                  public with reasonable judgment, skill, or safety.

11                   (B) Any circumstance that disqualifies the person  
12                  from obtaining a valid Firearm Owner's Identification  
13                  Card.

14                   (C) Habitual or excessive use or abuse of drugs  
15                  defined in law as controlled substances, alcohol, or  
16                  any other substance that results in the inability to  
17                  practice with reasonable judgment, skill, or safety.

18           (9) Receiving, directly or indirectly, compensation  
19           for any firearms sold or transferred illegally.

20           (10) Discipline by another United States jurisdiction,  
21           foreign nation, or governmental agency, if at least one of  
22           the grounds for the discipline is the same or substantially  
23           equivalent to those set forth in this Act.

24           (11) Giving differential treatment to a person that is  
25           to that person's detriment because of race, color, creed,  
26           sex, sexual orientation, religion, or national origin.

1           (12) Violation of any disciplinary order imposed on a  
2           licensee by the Department.

3           (13) Conducting a dealership without a valid license.

4           (14) Revealing confidential or security information,  
5           except as specifically authorized by law, including but not  
6           limited to information about purchasers and transferees of  
7           firearms, provided that a licensee or dealership agent may  
8           disclose this information under a court order, subpoena, or  
9           search warrant or to the Department or federal, State, or  
10          local law enforcement agencies upon request.

11          (15) Purporting to be a licensee-in-charge of an agency  
12          without active participation in the agency.

13          (16) A finding by the Department that the licensee,  
14          after having his or her license placed on probationary  
15          status, has violated the terms of probation.

16          (17) Failure to report in writing to the Department,  
17          within 60 days of an entry of a settlement or a verdict in  
18          excess of \$10,000, any legal action in which the business  
19          of the dealer, dealership, or dealership agent was the  
20          subject of the legal action.

21          (b) All fines imposed under this Section shall be paid  
22          within 60 days after the effective date of the order imposing  
23          the fine.

24          Section 75. Suspension or revocation of dealership agent  
25          authority.

1           (a) Dealership agents shall be subject to the disciplinary  
2 sanctions of this Act and shall otherwise comply with this Act  
3 and the rules adopted under it. Notwithstanding any other  
4 provision in this Act to the contrary, dealership agents shall  
5 not be responsible for compliance with any requirement that  
6 this Act assigns to the dealership or the licensee-in-charge  
7 regardless of the agent's job title, job duties, or position in  
8 the dealership. The procedures for disciplining a licensee  
9 shall also apply in taking action against a dealership agent.

10           (b) The revocation of a dealer's or dealership agent's  
11 Firearm Owner's Identification Card or concealed carry  
12 license, if applicable, operates as an automatic suspension of  
13 the dealer license or dealership agent's authority under this  
14 Act. The suspension will end only upon the issuance by the  
15 Department of State Police of a new Firearm Owner's  
16 Identification Card or concealed carry license to the dealer or  
17 dealership agent.

18           Section 80. Returned checks; fines. Any person who delivers  
19 a check or other payment to the Department that is returned to  
20 the Department unpaid by the financial institution upon which  
21 it is drawn shall pay to the Department, in addition to the  
22 amount already owed to the Department, a fine of \$50. The fines  
23 imposed by this Section are in addition to any other discipline  
24 provided under this Act for unlicensed business or business on  
25 a nonrenewed license. The Department shall notify the person

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

16 Section 85. Statute of limitations. No action may be taken  
17 under this Act against a person or entity licensed under this  
18 Act unless the action is commenced within 5 years after the  
19 occurrence of the alleged violations. A continuing violation  
20 shall be deemed to have occurred on the date when the  
21 circumstances last existed that give rise to the alleged  
22 violation.

23 Section 90. Complaints; investigations; hearings.

24 (a) The Department may investigate the actions of any

1 applicant or of any person or persons holding or claiming to  
2 hold a license or registration under this Act.

3 (b) The Department shall, before disciplining a licensee  
4 under Section 115 or refusing to issue or license, at least 30  
5 days before the date set for the hearing, (i) notify the  
6 accused in writing of the charges made and the time and place  
7 for the hearing on the charges, (ii) direct him or her to file  
8 a written answer to the charges under oath within 20 days after  
9 service, and (iii) inform the applicant or licensee that  
10 failure to answer will result in a default being entered  
11 against the applicant or licensee.

12 (c) At the time and place fixed in the notice, the Board or  
13 the hearing officer appointed by the Secretary shall proceed to  
14 hear the charges, and the parties or their counsel shall be  
15 accorded ample opportunity to present any pertinent  
16 statements, testimony, evidence, and arguments. The Board or  
17 hearing officer may continue the hearing from time to time. In  
18 case the person, after receiving the notice, fails to file an  
19 answer, his or her license may, in the discretion of the  
20 Secretary, having first received the recommendation of the  
21 Board, be suspended, revoked, or placed on probationary status,  
22 or be subject to whatever disciplinary action the Secretary  
23 considers proper, including limiting the scope, nature, or  
24 extent of the person's business or the imposition of a fine,  
25 without hearing, if the act or acts charged constitute  
26 sufficient grounds for that action under this Act.



1           (d) The written notice and any notice in the subsequent  
2 proceeding may be served by certified mail to the licensee's  
3 address of record.

4           (e) The Secretary has the authority to appoint any attorney  
5 licensed to practice law in this State to serve as the hearing  
6 officer in any action for refusal to issue, restore, or renew a  
7 license or to discipline a licensee. The hearing officer has  
8 full authority to conduct the hearing.

9           Section 95. Hearing; rehearing.

10          (a) The Board or the hearing officer authorized by the  
11 Department shall hear evidence in support of the formal charges  
12 and evidence produced by the licensee. At the conclusion of the  
13 hearing, the Board shall present to the Secretary a written  
14 report of its findings of fact, conclusions of law, and  
15 recommendations. The report shall contain a finding of whether  
16 the accused person violated this Act or failed to comply with  
17 the conditions required in this Act. The Board shall specify  
18 the nature of the violation or failure to comply and shall make  
19 its recommendation to the Secretary.

20          (b) At the conclusion of the hearing, a copy of the Board  
21 or hearing officer's report shall be served upon the applicant  
22 or licensee by the Department, either personally or as provided  
23 in this Act for the service of a notice of hearing. Within 20  
24 calendar days after service, the applicant or licensee may  
25 present to the Department a motion in writing for a rehearing,

1 which shall specify the particular grounds for rehearing. The  
2 Department may respond to the motion for rehearing within 20  
3 calendar days after its service on the Department. If no motion  
4 for rehearing is filed, then upon the expiration of the time  
5 specified for filing such a motion, or upon denial of a motion  
6 for rehearing, the Secretary may enter an order in accordance  
7 with the recommendations of the Board or hearing officer. If  
8 the applicant or licensee orders from the reporting service and  
9 pays for a transcript of the record within the time for filing  
10 a motion for rehearing, the 20-day period within which a motion  
11 may be filed shall commence upon the delivery of the transcript  
12 to the applicant or licensee.

13 (c) Whenever the Secretary is not satisfied that  
14 substantial justice has been done, the Secretary may order a  
15 rehearing by the same or another hearing officer.

16 (d) All proceedings under this Section are matters of  
17 public record and shall be preserved.

18 (e) The dealer or dealership may continue to operate as a  
19 dealer or dealership during the course of an investigation or  
20 hearing, unless the Secretary finds that the public interest,  
21 safety, or welfare requires an emergency action.

22 (f) Upon the suspension or revocation of a license, the  
23 licensee shall surrender the license to the Department and,  
24 upon failure to do so, the Department shall seize the same.

25 Section 100. Disposition by consent order. At any point in

1 any investigation or disciplinary proceeding provided for in  
2 the Act, both parties may agree to a negotiated consent order.  
3 The consent order shall be final upon signature of the  
4 Secretary.

5 Section 105. Restoration of license after disciplinary  
6 proceedings. At any time after the successful completion of a  
7 term of indefinite probation, indefinite suspension, or  
8 revocation of a license, the Department may restore it to the  
9 licensee, unless, after an investigation and a hearing, the  
10 Secretary determines that restoration is not in the public  
11 interest. No person or entity whose license, card, or authority  
12 has been revoked as authorized in this Act may apply for  
13 restoration of that license, registration, or authority until  
14 such time as provided for in the Civil Administrative Code of  
15 Illinois.

16 Section 110. Injunction; cease and desist orders.

17 (a) Upon the filing of a verified petition in court, if  
18 satisfied by affidavit or otherwise that the person, firm,  
19 corporation, or other legal entity is or has been conducting  
20 activities in violation of this Act, the court may enter a  
21 temporary restraining order or preliminary injunction, without  
22 bond, enjoining the defendant from further activity. A copy of  
23 the verified complaint shall be served upon the defendant and  
24 the proceedings shall be conducted as in civil cases. If it is

1 established the defendant has been or is conducting activities  
2 in violation of this Act, the court may enter a judgment  
3 enjoining the defendant from that activity. In case of  
4 violation of any injunctive order or judgment entered under  
5 this Section, the court may punish the offender for contempt of  
6 court. Injunctive proceedings shall be in addition to all other  
7 penalties under this Act.

8 (b) If any person has engaged in the business of selling,  
9 leasing, or otherwise transferring firearms without having a  
10 valid license under this Act, then any licensee, any interested  
11 party, or any person injured thereby may, in addition to the  
12 Secretary, petition for relief as provided in subsection (a) of  
13 this Section.

14 (c) Whenever the Department has reason to believe a person,  
15 firm, corporation, or other legal entity has violated any  
16 provision of this Act, the Department may issue a rule to show  
17 cause why an order to cease and desist should not be entered  
18 against that person, firm, corporation, or other legal entity.  
19 The rule shall clearly set forth the grounds relied upon by the  
20 Department and shall provide a period of 7 days from the date  
21 of the rule to file an answer to the satisfaction of the  
22 Department. Failure to answer to the satisfaction of the  
23 Department shall cause an order to cease and desist to be  
24 issued immediately.

25 Section 115. Administrative review. All final

1 administrative decisions of the Department are subject to  
2 judicial review under Article III of the Code of Civil  
3 Procedure. The term "administrative decision" is defined as in  
4 Section 3-101 of the Code of Civil Procedure. The proceedings  
5 for judicial review shall be commenced in the circuit court of  
6 the county in which the party applying for review resides; but  
7 if the party is not a resident of this State, the venue shall  
8 be in Sangamon County. The Department shall not be required to  
9 certify any record to the court or file any answer in court or  
10 otherwise appear in any court in a judicial review proceeding,  
11 unless and until the Department has received from the plaintiff  
12 payment of the costs of furnishing and certifying the record,  
13 which costs shall be determined by the Department. Exhibits  
14 shall be certified without cost. Failure on the part of the  
15 applicant or licensee to file a receipt in court is grounds for  
16 dismissal of the action.

17 Section 120. Prima facie proof.

18 (a) An order or a certified copy thereof, over the seal of  
19 the Department and purporting to be signed by the Secretary, is  
20 prima facie proof that the signature is that of the Secretary,  
21 and the Secretary is qualified to act.

22 (b) A certified copy of a record of the Department shall,  
23 without further proof, be admitted into evidence in any legal  
24 proceeding, and shall be prima facie correct and prima facie  
25 evidence of the information contained therein.

1 Section 125. Subpoenas.

2 (a) The Department may subpoena and bring before it any  
3 person to take the oral or written testimony or compel the  
4 production of any books, papers, records, or any other  
5 documents that the Secretary or his or her designee deems  
6 relevant or material to any such investigation or hearing  
7 conducted by the Department with the same fees and in the same  
8 manner as prescribed in civil cases in the courts of this  
9 State.

10 (b) Any circuit court, upon the application of the  
11 applicant, licensee, or Department, may order the attendance  
12 and testimony of witnesses and the production of relevant  
13 documents, files, records, books, and papers in connection with  
14 any hearing or investigation. The circuit court may compel  
15 obedience to its order by proceedings for contempt.

16 (c) The Secretary, the hearing officer, any member of the  
17 Board, or a certified shorthand court reporter may administer  
18 oaths at any hearing the Department conducts. Notwithstanding  
19 any other statute or Department rule to the contrary, all  
20 requests for testimony, production of documents or records  
21 shall be in accordance with this Act.

22 Section 130. Stenographers. The Department, at its  
23 expense, shall preserve the record of all proceedings at a  
24 formal hearing of any case. The notice of hearing, complaint,

1 all other documents in the nature of pleadings and written  
2 motions filed in the proceedings, the transcript of testimony,  
3 the report of the Board and orders of the Department shall be  
4 in the record of the proceedings.

5 Section 135. Fees; deposit of fees and fines. The  
6 Department shall by rule provide for fees for the  
7 administration and enforcement of this Act, and those fees are  
8 nonrefundable. All of the fees, penalties, and fines collected  
9 under this Act shall be deposited into the General Professions  
10 Dedicated Fund and shall be appropriated to the Department for  
11 the ordinary and contingent expenses of the Department in the  
12 administration and enforcement of this Act.

13 Section 140. Illinois Administrative Procedure Act;  
14 application.

15 (a) All rules required under this Act shall be adopted in  
16 accordance with Article 5 of the Illinois Administrative  
17 Procedure Act.

18 (b) Article 10 of the Illinois Administrative Procedure Act  
19 is expressly adopted and incorporated in this Act as if all of  
20 the provisions of that Article were included in this Act,  
21 except that the provision of paragraph (d) of Section 10-65 of  
22 the Illinois Administrative Procedure Act, which provides that  
23 at hearings the registrant or licensee has the right to show  
24 compliance with all lawful requirements for retention or

1 continuation or renewal of the license, is specifically  
2 excluded. For the purpose of this Act, the notice required  
3 under Section 10-25 of the Illinois Administrative Procedure  
4 Act is considered sufficient when mailed to the address of  
5 record of a party.

6 Section 145. Confidentiality. All information collected by  
7 the Department in the course of an examination or investigation  
8 of a licensee or applicant, including, but not limited to, any  
9 complaint against a licensee filed with the Department and  
10 information collected to investigate any such complaint, shall  
11 be maintained for the confidential use of the Department and  
12 shall not be disclosed. The Department shall not disclose the  
13 information to anyone other than law enforcement officials,  
14 regulatory agencies that have an appropriate regulatory  
15 interest as determined by the Secretary, or a party presenting  
16 a lawful subpoena to the Department. Information and documents  
17 disclosed to a federal, State, county, or local law enforcement  
18 agency shall not be disclosed by the agency for any purpose to  
19 any other agency or person. A formal complaint filed against a  
20 licensee by the Department or any order issued by the  
21 Department against a licensee or applicant shall be a public  
22 record, except as otherwise prohibited by law.

23 Section 150. Rules. The Department shall adopt rules  
24 necessary to implement the provisions of this Act no later than



1 180 days after the effective date of this Act. The Department  
2 may adopt rules necessary to implement the provisions of this  
3 Act through the use of emergency rulemaking in accordance with  
4 Section 5-45 of the Illinois Administrative Procedure Act for a  
5 period not to exceed 180 days after the effective date of this  
6 Act.

7 Section 900. The Regulatory Sunset Act is amended by adding  
8 Section 4.37 as follows:

9 (5 ILCS 80/4.37 new)

10 Sec. 4.37. Act repealed on January 1, 2027. The following  
11 Act is repealed on January 1, 2027:

12 The Gun Dealer Licensing Act.

13 Section 905. The Illinois Administrative Procedure Act is  
14 amended by changing Section 5-45 as follows:

15 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

16 Sec. 5-45. Emergency rulemaking.

17 (a) "Emergency" means the existence of any situation that  
18 any agency finds reasonably constitutes a threat to the public  
19 interest, safety, or welfare.

20 (b) If any agency finds that an emergency exists that  
21 requires adoption of a rule upon fewer days than is required by  
22 Section 5-40 and states in writing its reasons for that

1 finding, the agency may adopt an emergency rule without prior  
2 notice or hearing upon filing a notice of emergency rulemaking  
3 with the Secretary of State under Section 5-70. The notice  
4 shall include the text of the emergency rule and shall be  
5 published in the Illinois Register. Consent orders or other  
6 court orders adopting settlements negotiated by an agency may  
7 be adopted under this Section. Subject to applicable  
8 constitutional or statutory provisions, an emergency rule  
9 becomes effective immediately upon filing under Section 5-65 or  
10 at a stated date less than 10 days thereafter. The agency's  
11 finding and a statement of the specific reasons for the finding  
12 shall be filed with the rule. The agency shall take reasonable  
13 and appropriate measures to make emergency rules known to the  
14 persons who may be affected by them.

15 (c) An emergency rule may be effective for a period of not  
16 longer than 150 days, but the agency's authority to adopt an  
17 identical rule under Section 5-40 is not precluded. No  
18 emergency rule may be adopted more than once in any 24 month  
19 period, except that this limitation on the number of emergency  
20 rules that may be adopted in a 24 month period does not apply  
21 to (i) emergency rules that make additions to and deletions  
22 from the Drug Manual under Section 5-5.16 of the Illinois  
23 Public Aid Code or the generic drug formulary under Section  
24 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)  
25 emergency rules adopted by the Pollution Control Board before  
26 July 1, 1997 to implement portions of the Livestock Management

1 Facilities Act, (iii) emergency rules adopted by the Illinois  
2 Department of Public Health under subsections (a) through (i)  
3 of Section 2 of the Department of Public Health Act when  
4 necessary to protect the public's health, (iv) emergency rules  
5 adopted pursuant to subsection (n) of this Section, (v)  
6 emergency rules adopted pursuant to subsection (o) of this  
7 Section, or (vi) emergency rules adopted pursuant to subsection  
8 (c-5) of this Section. Two or more emergency rules having  
9 substantially the same purpose and effect shall be deemed to be  
10 a single rule for purposes of this Section.

11 (c-5) To facilitate the maintenance of the program of group  
12 health benefits provided to annuitants, survivors, and retired  
13 employees under the State Employees Group Insurance Act of  
14 1971, rules to alter the contributions to be paid by the State,  
15 annuitants, survivors, retired employees, or any combination  
16 of those entities, for that program of group health benefits,  
17 shall be adopted as emergency rules. The adoption of those  
18 rules shall be considered an emergency and necessary for the  
19 public interest, safety, and welfare.

20 (d) In order to provide for the expeditious and timely  
21 implementation of the State's fiscal year 1999 budget,  
22 emergency rules to implement any provision of Public Act 90-587  
23 or 90-588 or any other budget initiative for fiscal year 1999  
24 may be adopted in accordance with this Section by the agency  
25 charged with administering that provision or initiative,  
26 except that the 24-month limitation on the adoption of

1 emergency rules and the provisions of Sections 5-115 and 5-125  
2 do not apply to rules adopted under this subsection (d). The  
3 adoption of emergency rules authorized by this subsection (d)  
4 shall be deemed to be necessary for the public interest,  
5 safety, and welfare.

6 (e) In order to provide for the expeditious and timely  
7 implementation of the State's fiscal year 2000 budget,  
8 emergency rules to implement any provision of Public Act 91-24  
9 ~~this amendatory Act of the 91st General Assembly~~ or any other  
10 budget initiative for fiscal year 2000 may be adopted in  
11 accordance with this Section by the agency charged with  
12 administering that provision or initiative, except that the  
13 24-month limitation on the adoption of emergency rules and the  
14 provisions of Sections 5-115 and 5-125 do not apply to rules  
15 adopted under this subsection (e). The adoption of emergency  
16 rules authorized by this subsection (e) shall be deemed to be  
17 necessary for the public interest, safety, and welfare.

18 (f) In order to provide for the expeditious and timely  
19 implementation of the State's fiscal year 2001 budget,  
20 emergency rules to implement any provision of Public Act 91-712  
21 ~~this amendatory Act of the 91st General Assembly~~ or any other  
22 budget initiative for fiscal year 2001 may be adopted in  
23 accordance with this Section by the agency charged with  
24 administering that provision or initiative, except that the  
25 24-month limitation on the adoption of emergency rules and the  
26 provisions of Sections 5-115 and 5-125 do not apply to rules

1 adopted under this subsection (f). The adoption of emergency  
2 rules authorized by this subsection (f) shall be deemed to be  
3 necessary for the public interest, safety, and welfare.

4 (g) In order to provide for the expeditious and timely  
5 implementation of the State's fiscal year 2002 budget,  
6 emergency rules to implement any provision of Public Act 92-10  
7 ~~this amendatory Act of the 92nd General Assembly~~ or any other  
8 budget initiative for fiscal year 2002 may be adopted in  
9 accordance with this Section by the agency charged with  
10 administering that provision or initiative, except that the  
11 24-month limitation on the adoption of emergency rules and the  
12 provisions of Sections 5-115 and 5-125 do not apply to rules  
13 adopted under this subsection (g). The adoption of emergency  
14 rules authorized by this subsection (g) shall be deemed to be  
15 necessary for the public interest, safety, and welfare.

16 (h) In order to provide for the expeditious and timely  
17 implementation of the State's fiscal year 2003 budget,  
18 emergency rules to implement any provision of Public Act 92-597  
19 ~~this amendatory Act of the 92nd General Assembly~~ or any other  
20 budget initiative for fiscal year 2003 may be adopted in  
21 accordance with this Section by the agency charged with  
22 administering that provision or initiative, except that the  
23 24-month limitation on the adoption of emergency rules and the  
24 provisions of Sections 5-115 and 5-125 do not apply to rules  
25 adopted under this subsection (h). The adoption of emergency  
26 rules authorized by this subsection (h) shall be deemed to be

1 necessary for the public interest, safety, and welfare.

2 (i) In order to provide for the expeditious and timely  
3 implementation of the State's fiscal year 2004 budget,  
4 emergency rules to implement any provision of Public Act 93-20  
5 ~~this amendatory Act of the 93rd General Assembly~~ or any other  
6 budget initiative for fiscal year 2004 may be adopted in  
7 accordance with this Section by the agency charged with  
8 administering that provision or initiative, except that the  
9 24-month limitation on the adoption of emergency rules and the  
10 provisions of Sections 5-115 and 5-125 do not apply to rules  
11 adopted under this subsection (i). The adoption of emergency  
12 rules authorized by this subsection (i) shall be deemed to be  
13 necessary for the public interest, safety, and welfare.

14 (j) In order to provide for the expeditious and timely  
15 implementation of the provisions of the State's fiscal year  
16 2005 budget as provided under the Fiscal Year 2005 Budget  
17 Implementation (Human Services) Act, emergency rules to  
18 implement any provision of the Fiscal Year 2005 Budget  
19 Implementation (Human Services) Act may be adopted in  
20 accordance with this Section by the agency charged with  
21 administering that provision, except that the 24-month  
22 limitation on the adoption of emergency rules and the  
23 provisions of Sections 5-115 and 5-125 do not apply to rules  
24 adopted under this subsection (j). The Department of Public Aid  
25 may also adopt rules under this subsection (j) necessary to  
26 administer the Illinois Public Aid Code and the Children's

1 Health Insurance Program Act. The adoption of emergency rules  
2 authorized by this subsection (j) shall be deemed to be  
3 necessary for the public interest, safety, and welfare.

4 (k) In order to provide for the expeditious and timely  
5 implementation of the provisions of the State's fiscal year  
6 2006 budget, emergency rules to implement any provision of  
7 Public Act 94-48 ~~this amendatory Act of the 94th General~~  
8 ~~Assembly~~ or any other budget initiative for fiscal year 2006  
9 may be adopted in accordance with this Section by the agency  
10 charged with administering that provision or initiative,  
11 except that the 24-month limitation on the adoption of  
12 emergency rules and the provisions of Sections 5-115 and 5-125  
13 do not apply to rules adopted under this subsection (k). The  
14 Department of Healthcare and Family Services may also adopt  
15 rules under this subsection (k) necessary to administer the  
16 Illinois Public Aid Code, the Senior Citizens and Persons with  
17 Disabilities Property Tax Relief Act, the Senior Citizens and  
18 Disabled Persons Prescription Drug Discount Program Act (now  
19 the Illinois Prescription Drug Discount Program Act), and the  
20 Children's Health Insurance Program Act. The adoption of  
21 emergency rules authorized by this subsection (k) shall be  
22 deemed to be necessary for the public interest, safety, and  
23 welfare.

24 (l) In order to provide for the expeditious and timely  
25 implementation of the provisions of the State's fiscal year  
26 2007 budget, the Department of Healthcare and Family Services

1 may adopt emergency rules during fiscal year 2007, including  
2 rules effective July 1, 2007, in accordance with this  
3 subsection to the extent necessary to administer the  
4 Department's responsibilities with respect to amendments to  
5 the State plans and Illinois waivers approved by the federal  
6 Centers for Medicare and Medicaid Services necessitated by the  
7 requirements of Title XIX and Title XXI of the federal Social  
8 Security Act. The adoption of emergency rules authorized by  
9 this subsection (l) shall be deemed to be necessary for the  
10 public interest, safety, and welfare.

11 (m) In order to provide for the expeditious and timely  
12 implementation of the provisions of the State's fiscal year  
13 2008 budget, the Department of Healthcare and Family Services  
14 may adopt emergency rules during fiscal year 2008, including  
15 rules effective July 1, 2008, in accordance with this  
16 subsection to the extent necessary to administer the  
17 Department's responsibilities with respect to amendments to  
18 the State plans and Illinois waivers approved by the federal  
19 Centers for Medicare and Medicaid Services necessitated by the  
20 requirements of Title XIX and Title XXI of the federal Social  
21 Security Act. The adoption of emergency rules authorized by  
22 this subsection (m) shall be deemed to be necessary for the  
23 public interest, safety, and welfare.

24 (n) In order to provide for the expeditious and timely  
25 implementation of the provisions of the State's fiscal year  
26 2010 budget, emergency rules to implement any provision of



1 ~~Public Act 96-45 this amendatory Act of the 96th General~~  
2 ~~Assembly~~ or any other budget initiative authorized by the 96th  
3 General Assembly for fiscal year 2010 may be adopted in  
4 accordance with this Section by the agency charged with  
5 administering that provision or initiative. The adoption of  
6 emergency rules authorized by this subsection (n) shall be  
7 deemed to be necessary for the public interest, safety, and  
8 welfare. The rulemaking authority granted in this subsection  
9 (n) shall apply only to rules promulgated during Fiscal Year  
10 2010.

11 (o) In order to provide for the expeditious and timely  
12 implementation of the provisions of the State's fiscal year  
13 2011 budget, emergency rules to implement any provision of  
14 ~~Public Act 96-958 this amendatory Act of the 96th General~~  
15 ~~Assembly~~ or any other budget initiative authorized by the 96th  
16 General Assembly for fiscal year 2011 may be adopted in  
17 accordance with this Section by the agency charged with  
18 administering that provision or initiative. The adoption of  
19 emergency rules authorized by this subsection (o) is deemed to  
20 be necessary for the public interest, safety, and welfare. The  
21 rulemaking authority granted in this subsection (o) applies  
22 only to rules promulgated on or after the effective date of  
23 ~~Public Act 96-958 this amendatory Act of the 96th General~~  
24 ~~Assembly~~ through June 30, 2011.

25 (p) In order to provide for the expeditious and timely  
26 implementation of the provisions of Public Act 97-689,

1 emergency rules to implement any provision of Public Act 97-689  
2 may be adopted in accordance with this subsection (p) by the  
3 agency charged with administering that provision or  
4 initiative. The 150-day limitation of the effective period of  
5 emergency rules does not apply to rules adopted under this  
6 subsection (p), and the effective period may continue through  
7 June 30, 2013. The 24-month limitation on the adoption of  
8 emergency rules does not apply to rules adopted under this  
9 subsection (p). The adoption of emergency rules authorized by  
10 this subsection (p) is deemed to be necessary for the public  
11 interest, safety, and welfare.

12 (q) In order to provide for the expeditious and timely  
13 implementation of the provisions of Articles 7, 8, 9, 11, and  
14 12 of Public Act 98-104 ~~this amendatory Act of the 98th General  
15 Assembly~~, emergency rules to implement any provision of  
16 Articles 7, 8, 9, 11, and 12 of Public Act 98-104 ~~this  
17 amendatory Act of the 98th General Assembly~~ may be adopted in  
18 accordance with this subsection (q) by the agency charged with  
19 administering that provision or initiative. The 24-month  
20 limitation on the adoption of emergency rules does not apply to  
21 rules adopted under this subsection (q). The adoption of  
22 emergency rules authorized by this subsection (q) is deemed to  
23 be necessary for the public interest, safety, and welfare.

24 (r) In order to provide for the expeditious and timely  
25 implementation of the provisions of Public Act 98-651 ~~this  
26 amendatory Act of the 98th General Assembly~~, emergency rules to

1 implement Public Act 98-651 ~~this amendatory Act of the 98th~~  
2 ~~General Assembly~~ may be adopted in accordance with this  
3 subsection (r) by the Department of Healthcare and Family  
4 Services. The 24-month limitation on the adoption of emergency  
5 rules does not apply to rules adopted under this subsection  
6 (r). The adoption of emergency rules authorized by this  
7 subsection (r) is deemed to be necessary for the public  
8 interest, safety, and welfare.

9 (s) In order to provide for the expeditious and timely  
10 implementation of the provisions of Sections 5-5b.1 and 5A-2 of  
11 the Illinois Public Aid Code, emergency rules to implement any  
12 provision of Section 5-5b.1 or Section 5A-2 of the Illinois  
13 Public Aid Code may be adopted in accordance with this  
14 subsection (s) by the Department of Healthcare and Family  
15 Services. The rulemaking authority granted in this subsection  
16 (s) shall apply only to those rules adopted prior to July 1,  
17 2015. Notwithstanding any other provision of this Section, any  
18 emergency rule adopted under this subsection (s) shall only  
19 apply to payments made for State fiscal year 2015. The adoption  
20 of emergency rules authorized by this subsection (s) is deemed  
21 to be necessary for the public interest, safety, and welfare.

22 (t) In order to provide for the expeditious and timely  
23 implementation of the provisions of Article II of Public Act  
24 99-6 ~~this amendatory Act of the 99th General Assembly,~~  
25 emergency rules to implement the changes made by Article II of  
26 Public Act 99-6 ~~this amendatory Act of the 99th General~~

1 ~~Assembly~~ to the Emergency Telephone System Act may be adopted  
2 in accordance with this subsection (t) by the Department of  
3 State Police. The rulemaking authority granted in this  
4 subsection (t) shall apply only to those rules adopted prior to  
5 July 1, 2016. The 24-month limitation on the adoption of  
6 emergency rules does not apply to rules adopted under this  
7 subsection (t). The adoption of emergency rules authorized by  
8 this subsection (t) is deemed to be necessary for the public  
9 interest, safety, and welfare.

10 (u) ~~(t)~~ In order to provide for the expeditious and timely  
11 implementation of the provisions of the Burn Victims Relief  
12 Act, emergency rules to implement any provision of the Act may  
13 be adopted in accordance with this subsection (u) ~~(t)~~ by the  
14 Department of Insurance. The rulemaking authority granted in  
15 this subsection (u) ~~(t)~~ shall apply only to those rules adopted  
16 prior to December 31, 2015. The adoption of emergency rules  
17 authorized by this subsection (u) ~~(t)~~ is deemed to be necessary  
18 for the public interest, safety, and welfare.

19 (v) In order to provide for the expeditious and timely  
20 implementation of the provisions of the Gun Dealer Licensing  
21 Act, emergency rules to implement any provision of the Act may  
22 be adopted in accordance with this subsection (v) by the  
23 Department of Financial and Professional Regulation. The  
24 rulemaking authority granted in this subsection (v) shall apply  
25 only to those rules adopted no later than 180 days after the  
26 effective date of this amendatory Act of the 99th General

1 Assembly. The adoption of emergency rules authorized by this  
2 subsection (v) is deemed to be necessary for the public  
3 interest, safety, and welfare.

4 (Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13;  
5 98-651, eff. 6-16-14; 99-2, eff. 3-26-15; 99-6, eff. 1-1-16;  
6 99-143, eff. 7-27-15; 99-455, eff. 1-1-16; revised  
7 10-15-15.)".