



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 (c) No dealership shall operate a branch office without

1 first applying for and receiving a branch office license for
2 each location. The term "branch office" does not include a
3 location at which the dealership conducts business
4 temporarily, such as at a gun show.

5 (d) It is unlawful to obtain or attempt to obtain any
6 license or authorization issued under this Act by fraudulent
7 misrepresentation.

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

11 (f) In addition to any other penalty provided by law, any
12 person or entity who violates any provision of this Section
13 shall, pay a civil penalty to the Department in an amount not
14 to exceed \$10,000 for each offense as determined by the
15 Department. The civil penalty shall be assessed by the
16 Department after a hearing is held in accordance with the
17 provisions set forth in this Act regarding the provision of a
18 hearing for the discipline of a licensee.

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

21 (h) The civil penalty shall be paid within 60 days after
22 the effective date of the order imposing the civil penalty. The
23 order shall constitute a judgment and may be filed and
24 execution had thereon in the same manner as any judgment from
25 any court of record.

1 Section 15. Exemptions. The provisions of this Act related
2 to the licensure of dealers and dealerships do not apply to a
3 person or other entity that engages in the following
4 activities:

5 (1) transfers of less than 10 firearms within each calendar
6 year;

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

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

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

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

18 (6) transfers by persons or entities liquidating all or
19 part of a collection, provided that a person or entity is not
20 considered to be liquidating a collection if the person or
21 entity acquires more than one additional firearm within the
22 3-year period after the transfer;

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

26 (8) transfers by a law enforcement or corrections agency or

1 a law enforcement or corrections officer acting within the
2 course and scope of his or her official duties;

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

6 (10) transfers of curios and relics, as defined under
7 federal law, between collectors licensed under subsection (b)
8 of Section 923 of the federal Gun Control Act of 1968;

9 (11) transfers of firearms by a store in which 20% or less
10 of that store's annual sales is from the sale of firearms;

11 (12) transfers by a person who possesses a license to
12 manufacture firearms under subsection (a) of Section 923 of the
13 federal Gun Control Act of 1968 (18 U.S.C. 923(a)); or

14 (13) transfers by a person who is actually engaged in the
15 business of manufacturing and selling any piece or part of a
16 firearm, but only with respect to the activities which are
17 within the lawful scope of that business.

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

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

23 (2) Prescribe and publish rules for issuance of dealer
24 licenses and dealership licenses authorizing qualified
25 applicants to engage in the business of selling, leasing,

1 or otherwise transferring firearms.

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

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

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

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

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

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

26 (9) Exercise the powers and duties prescribed by the

1 Civil Administrative Code of Illinois for the
2 administration of licensing Acts.

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

6 Section 25. The Gun Dealer Licensing Board.

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

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

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

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

23 (4) one member who is a representative of an advocacy
24 group for public safety; and

25 (5) one member shall be a lawyer licensed to practice

1 law in this State. The membership shall reasonably reflect
2 the different geographic areas in this State.

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

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

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

23 (e) Members shall receive compensation as set by law. Each
24 member shall receive reimbursement as set by the Governor's
25 Travel Control Board for expenses incurred in carrying out the
26 duties as a Board member.

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

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

8 Section 30. Application for license; forms.

9 (a) Each license application shall be on forms provided by
10 the Department.

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

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

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

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

21 (a) The Department shall, upon the applicant's
22 satisfactory completion of the requirements under this Act and
23 receipt of the fee, issue the license indicating the name and
24 business location of the licensee and the date of expiration.

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

14 (b) The expiration date, renewal period, and conditions for
15 renewal and restoration of each license shall be set by rule.
16 The holder may renew the license during the 90 days preceding
17 its expiration by paying the required fee and by meeting
18 conditions that the Department may specify. As a condition of
19 renewal of a dealer's license, the Department shall receive
20 from the applicant a copy of his or her valid and unexpired
21 concealed carry license, or shall verify the validity of the
22 applicant's Firearm Owner's Identification Card through the
23 Department of State Police in a manner prescribed by rule by
24 the Department of State Police. A dealership or dealer
25 operating on an expired license is considered to be practicing
26 without a license.

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

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

17 (e) Any dealer whose license has expired while he or she
18 has been engaged (1) in the federal service in active duty with
19 the Army of the United States, the United States Navy, the
20 Marine Corps, the Air Force, the Coast Guard, or the State
21 Militia called into the service or training of the United
22 States of America, or (2) in training or education under the
23 supervision of the United States preliminary to induction into
24 the military service, may have his or her license restored
25 without paying any lapsed renewal fees or restoration fee, if
26 within 2 years after termination of that service, training or

1 education, other than by dishonorable discharge, he or she
2 furnishes the Department with an affidavit to the effect that
3 he or she has been so engaged and that his or her service,
4 training or education has been so terminated.

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

10 Section 40. Qualifications for licensure as a dealer.

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

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

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

22 (3) has not had a license or permit to sell, lease,
23 transfer, purchase, or possess firearms from the federal
24 government or the government of any state or subdivision of
25 any state revoked or suspended for good cause within the

1 preceding 3 years, or been terminated from employment with
2 a licensee or former licensee for good cause within the
3 preceding 3 years;

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

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

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

15 Section 45. Qualifications for licensure as a dealership.

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

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

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

23 (3) A corporation or limited liability company doing
24 business in this State that is authorized by its articles
25 of incorporation or organization to engage in the business

1 of conducting a dealership if at least one executive
2 employee is licensed as a dealer under this Act.

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

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

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

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

17 (4) The name of the owner or operator of the
18 dealership, including:

19 (A) if a person, then the name and address of
20 record of the person;

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

23 (C) if a corporation, then the name, address of
24 record, and title of each corporate officer and
25 director, the corporate names, and the name of the
26 state of incorporation; and

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

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

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

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

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

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

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

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

1 disciplinary action by the Department related to his or her
2 conduct on behalf of the dealership.

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

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

11 Section 55. Requirements; prohibitions.

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

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

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

22 (1) the manner of securing firearms when the location
23 is both open and closed for business;

24 (2) alarm systems for licensees; and

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

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

11 (e) A licensee shall operate its business and conduct all
12 sales and transfers of firearms or in compliance with all
13 federal and State laws, and maintain all records as required by
14 federal and State laws.

15 (f) A licensee shall not allow any person to handle
16 firearms while intoxicated.

17 (g) A licensee shall post in a conspicuous position on the
18 premises where the licensee conducts business a sign that
19 contains the following warning in block letters not less than
20 one inch in height:

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

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

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

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

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

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

17 (i) The premises where the licensee conducts business shall
18 not be located in any district or area that is within 500 feet
19 of any school, pre-school, or day-care facility. This
20 subsection (i) does not apply to a licensee whose business
21 existed in that location on the effective date of this Act, and
22 does not limit the authority of a local government to impose
23 and enforce additional limits on the location of a business
24 regulated under this Act.

25 Section 60. Dealership agent requirements. A licensed

1 dealership may employ in the conduct of his or her business
2 dealership agents under the following provisions:

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

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

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

9 (C) Has had a license denied, suspended, or revoked
10 under this Act, or been terminated from employment as a
11 dealership agent:

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

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

16 (2) No person may act as a dealership agent under this
17 Section until he or she has executed and furnished to the
18 employer, on forms furnished by the Department, a verified
19 statement to be known as "Dealership Agent's Statement" setting
20 forth:

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

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

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

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

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

6 (D) That the person will not divert firearms in
7 violation of the law.

8 (3) Each applicant for employment as a dealership agent
9 shall provide a copy of his or her valid and unexpired
10 concealed carry license, or have the validity of his or her
11 Firearm Owner's Identification Card confirmed by the
12 dealership through the Department of State Police in a manner
13 prescribed by rule by the Department of State Police. The
14 Department of State Police shall provide the dealership with an
15 approval number if the Firearm Owner's Identification Card is
16 currently valid.

17 (4) As part of an application for renewal or restoration of
18 a dealership license, the dealership shall confirm the validity
19 of the Firearm Owner's Identification Card of each dealership
20 agent employed by the dealership, and record the unique
21 approval number provided by the Department of State Police in
22 the record maintained under paragraph (5) of this Section,
23 provided that a dealership shall not be required to confirm the
24 validity of the Firearm Owner's Identification Card of a
25 dealership agent if the dealership has already confirmed the
26 validity of the dealership agent's Firearm Owner's

1 Identification Card within the last 6 months or the dealership
2 agent has provided the dealership with a copy of his or her
3 valid and unexpired concealed carry license within the last 6
4 months.

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

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

10 (B) A copy of the dealership agent's concealed carry
11 license or Firearm Owner's Identification Card, and the
12 approval number provided by the Department of State Police
13 when the dealership last confirmed the validity of the
14 dealership agent's Firearm Owner's Identification Card.
15 The Department may, by rule, prescribe further record
16 requirements.

17 (6) Every dealership shall maintain a separate roster of
18 the names of all dealership agents and submit the roster to the
19 Department on request.

20 (7) No dealership may employ any person to perform a
21 licensed activity under this Act unless the person possesses a
22 valid dealer license under this Act or the requirements of this
23 Section are met, or the person is exempt under paragraph (8) of
24 this Section.

25 (8) Peace officers shall be exempt from the requirements of
26 this Section relating to Firearm Owner's Identification Cards

1 and concealed carry licenses. The dealership shall remain
2 responsible for any peace officer employed under this
3 exemption, regardless of whether the peace officer is
4 compensated as an employee or as an independent contractor and
5 as further defined by rule.

6 (9) Persons who have no unsupervised access to firearms in
7 the inventory of a dealership or confidential or security
8 information are exempt from the requirements of a dealership
9 agent.

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

15 Section 65. Employment requirement. A dealership licensed
16 under this Act is prohibited from evading or attempting to
17 evade the requirements for dealership agents under this Act by
18 engaging a contractor or independent contractor to perform the
19 activities of a dealer or dealership agent, unless that person
20 is licensed under this Act.

21 Section 70. Disciplinary sanctions.

22 (a) The Department may deny issuance, refuse to renew, or
23 restore or may reprimand, place on probation, suspend, revoke,
24 or take other disciplinary or non-disciplinary action against

1 any license, may impose a fine not to exceed \$10,000 for each
2 violation, and may assess costs as provided for under Section
3 135, for any of the following, consistent with the Protection
4 of Lawful Commerce in Arms Act, 15 U.S.C. 7901 through 7903 or
5 amendments thereto:

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

8 (2) Violations of this Act, any of the rules adopted
9 under this Act, or any law applicable to the sale or
10 transfer of firearms.

11 (3) Making any misrepresentation for the purpose of
12 obtaining licenses or cards.

13 (4) A pattern of practice or other behavior which
14 demonstrates incapacity or incompetency to practice under
15 this Act.

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

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

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

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

25 (A) Physical illness, mental illness, or other
26 impairment, including, but not limited to,

1 deterioration through the aging process or loss of
2 motor skills that results in the inability to serve the
3 public with reasonable judgment, skill, or safety.

4 (B) Any circumstance that disqualifies the person
5 from obtaining a valid Firearm Owner's Identification
6 Card.

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

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

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

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

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

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

23 (14) Revealing confidential or security information,
24 except as specifically authorized by law, including but not
25 limited to information about purchasers and transferees of
26 firearms, provided that a licensee or dealership agent may

1 disclose this information under a court order, subpoena, or
2 search warrant or to the Department or federal, State, or
3 local law enforcement agencies upon request.

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

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

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

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

17 Section 75. Suspension or revocation of dealership agent
18 authority.

19 (a) Dealership agents shall be subject to the disciplinary
20 sanctions of this Act and shall otherwise comply with this Act
21 and the rules adopted under it. Notwithstanding any other
22 provision in this Act to the contrary, dealership agents shall
23 not be responsible for compliance with any requirement that
24 this Act assigns to the dealership or the licensee-in-charge
25 regardless of the agent's job title, job duties, or position in

1 the dealership. The procedures for disciplining a licensee
2 shall also apply in taking action against a dealership agent.

3 (b) The revocation of a dealer's or dealership agent's
4 Firearm Owner's Identification Card or concealed carry
5 license, if applicable, operates as an automatic suspension of
6 the dealer license or dealership agent's authority under this
7 Act. The suspension will end only upon the issuance by the
8 Department of State Police of a new Firearm Owner's
9 Identification Card or concealed carry license to the dealer or
10 dealership agent.

11 Section 80. Returned checks; fines. Any person who delivers
12 a check or other payment to the Department that is returned to
13 the Department unpaid by the financial institution upon which
14 it is drawn shall pay to the Department, in addition to the
15 amount already owed to the Department, a fine of \$50. The fines
16 imposed by this Section are in addition to any other discipline
17 provided under this Act for unlicensed business or business on
18 a nonrenewed license. The Department shall notify the person
19 that payment of fees and fines shall be paid to the Department
20 by certified check or money order within 30 calendar days of
21 the notification. If, after the expiration of 30 days from the
22 date of the notification, the person has failed to submit the
23 necessary remittance, the Department shall automatically
24 terminate the license or deny the application, without hearing.
25 If, after termination or denial, the person seeks a license, he

1 or she shall apply to the Department for restoration or
2 issuance of the license and pay all fees and fines due to the
3 Department. The Department may establish a fee for the
4 processing of an application for restoration of a license to
5 pay all expenses of processing this application. The Secretary
6 may waive the fines due under this Section in individual cases
7 if the Secretary finds that the fines would be unreasonable or
8 unnecessarily burdensome.

9 Section 85. Statute of limitations. No action may be taken
10 under this Act against a person or entity licensed under this
11 Act unless the action is commenced within 5 years after the
12 occurrence of the alleged violations. A continuing violation
13 shall be deemed to have occurred on the date when the
14 circumstances last existed that give rise to the alleged
15 violation.

16 Section 90. Complaints; investigations; hearings.

17 (a) The Department may investigate the actions of any
18 applicant or of any person or persons holding or claiming to
19 hold a license or registration under this Act.

20 (b) The Department shall, before disciplining a licensee
21 under Section 115 or refusing to issue or license, at least 30
22 days before the date set for the hearing, (i) notify the
23 accused in writing of the charges made and the time and place
24 for the hearing on the charges, (ii) direct him or her to file

1 a written answer to the charges under oath within 20 days after
2 service, and (iii) inform the applicant or licensee that
3 failure to answer will result in a default being entered
4 against the applicant or licensee.

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

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

23 (e) The Secretary has the authority to appoint any attorney
24 licensed to practice law in this State to serve as the hearing
25 officer in any action for refusal to issue, restore, or renew a
26 license or to discipline a licensee. The hearing officer has

1 full authority to conduct the hearing.

2 Section 95. Hearing; rehearing.

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

13 (b) At the conclusion of the hearing, a copy of the Board
14 or hearing officer's report shall be served upon the applicant
15 or licensee by the Department, either personally or as provided
16 in this Act for the service of a notice of hearing. Within 20
17 calendar days after service, the applicant or licensee may
18 present to the Department a motion in writing for a rehearing,
19 which shall specify the particular grounds for rehearing. The
20 Department may respond to the motion for rehearing within 20
21 calendar days after its service on the Department. If no motion
22 for rehearing is filed, then upon the expiration of the time
23 specified for filing such a motion, or upon denial of a motion
24 for rehearing, the Secretary may enter an order in accordance
25 with the recommendations of the Board or hearing officer. If

1 the applicant or licensee orders from the reporting service and
2 pays for a transcript of the record within the time for filing
3 a motion for rehearing, the 20-day period within which a motion
4 may be filed shall commence upon the delivery of the transcript
5 to the applicant or licensee.

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

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

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

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

18 Section 100. Disposition by consent order. At any point in
19 any investigation or disciplinary proceeding provided for in
20 the Act, both parties may agree to a negotiated consent order.
21 The consent order shall be final upon signature of the
22 Secretary.

23 Section 105. Restoration of license after disciplinary
24 proceedings. At any time after the successful completion of a

1 term of indefinite probation, indefinite suspension, or
2 revocation of a license, the Department may restore it to the
3 licensee, unless, after an investigation and a hearing, the
4 Secretary determines that restoration is not in the public
5 interest. No person or entity whose license, card, or authority
6 has been revoked as authorized in this Act may apply for
7 restoration of that license, registration, or authority until
8 such time as provided for in the Civil Administrative Code of
9 Illinois.

10 Section 110. Injunction; cease and desist orders.

11 (a) Upon the filing of a verified petition in court, if
12 satisfied by affidavit or otherwise that the person, firm,
13 corporation, or other legal entity is or has been conducting
14 activities in violation of this Act, the court may enter a
15 temporary restraining order or preliminary injunction, without
16 bond, enjoining the defendant from further activity. A copy of
17 the verified complaint shall be served upon the defendant and
18 the proceedings shall be conducted as in civil cases. If it is
19 established the defendant has been or is conducting activities
20 in violation of this Act, the court may enter a judgment
21 enjoining the defendant from that activity. In case of
22 violation of any injunctive order or judgment entered under
23 this Section, the court may punish the offender for contempt of
24 court. Injunctive proceedings shall be in addition to all other
25 penalties under this Act.

1 (b) If any person has engaged in the business of selling,
2 leasing, or otherwise transferring firearms without having a
3 valid license under this Act, then any licensee, any interested
4 party, or any person injured thereby may, in addition to the
5 Secretary, petition for relief as provided in subsection (a) of
6 this Section.

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

18 Section 115. Administrative review. All final
19 administrative decisions of the Department are subject to
20 judicial review under Article III of the Code of Civil
21 Procedure. The term "administrative decision" is defined as in
22 Section 3-101 of the Code of Civil Procedure. The proceedings
23 for judicial review shall be commenced in the circuit court of
24 the county in which the party applying for review resides; but
25 if the party is not a resident of this State, the venue shall

1 be in Sangamon County. The Department shall not be required to
2 certify any record to the court or file any answer in court or
3 otherwise appear in any court in a judicial review proceeding,
4 unless and until the Department has received from the plaintiff
5 payment of the costs of furnishing and certifying the record,
6 which costs shall be determined by the Department. Exhibits
7 shall be certified without cost. Failure on the part of the
8 applicant or licensee to file a receipt in court is grounds for
9 dismissal of the action.

10 Section 120. Prima facie proof.

11 (a) An order or a certified copy thereof, over the seal of
12 the Department and purporting to be signed by the Secretary, is
13 prima facie proof that the signature is that of the Secretary,
14 and the Secretary is qualified to act.

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

19 Section 125. Subpoenas.

20 (a) The Department may subpoena and bring before it any
21 person to take the oral or written testimony or compel the
22 production of any books, papers, records, or any other
23 documents that the Secretary or his or her designee deems
24 relevant or material to any such investigation or hearing

1 conducted by the Department with the same fees and in the same
2 manner as prescribed in civil cases in the courts of this
3 State.

4 (b) Any circuit court, upon the application of the
5 applicant, licensee, or Department, may order the attendance
6 and testimony of witnesses and the production of relevant
7 documents, files, records, books, and papers in connection with
8 any hearing or investigation. The circuit court may compel
9 obedience to its order by proceedings for contempt.

10 (c) The Secretary, the hearing officer, any member of the
11 Board, or a certified shorthand court reporter may administer
12 oaths at any hearing the Department conducts. Notwithstanding
13 any other statute or Department rule to the contrary, all
14 requests for testimony, production of documents or records
15 shall be in accordance with this Act.

16 Section 130. Stenographers. The Department, at its
17 expense, shall preserve the record of all proceedings at a
18 formal hearing of any case. The notice of hearing, complaint,
19 all other documents in the nature of pleadings and written
20 motions filed in the proceedings, the transcript of testimony,
21 the report of the Board and orders of the Department shall be
22 in the record of the proceedings.

23 Section 135. Fees; deposit of fees and fines. The
24 Department shall by rule provide for fees for the

1 administration and enforcement of this Act, and those fees are
2 nonrefundable. All of the fees, penalties, and fines collected
3 under this Act shall be deposited into the General Professions
4 Dedicated Fund and shall be appropriated to the Department for
5 the ordinary and contingent expenses of the Department in the
6 administration and enforcement of this Act.

7 Section 140. Illinois Administrative Procedure Act;
8 application.

9 (a) All rules required under this Act shall be adopted in
10 accordance with Article 5 of the Illinois Administrative
11 Procedure Act.

12 (b) Article 10 of the Illinois Administrative Procedure Act
13 is expressly adopted and incorporated in this Act as if all of
14 the provisions of that Article were included in this Act,
15 except that the provision of paragraph (d) of Section 10-65 of
16 the Illinois Administrative Procedure Act, which provides that
17 at hearings the registrant or licensee has the right to show
18 compliance with all lawful requirements for retention or
19 continuation or renewal of the license, is specifically
20 excluded. For the purpose of this Act, the notice required
21 under Section 10-25 of the Illinois Administrative Procedure
22 Act is considered sufficient when mailed to the address of
23 record of a party.

24 Section 145. Confidentiality. All information collected by

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

17 Section 150. Rules. The Department shall adopt rules
18 necessary to implement the provisions of this Act no later than
19 180 days after the effective date of this Act. The Department
20 may adopt rules necessary to implement the provisions of this
21 Act through the use of emergency rulemaking in accordance with
22 Section 5-45 of the Illinois Administrative Procedure Act for a
23 period not to exceed 180 days after the effective date of this
24 Act.

1 Section 900. The Regulatory Sunset Act is amended by adding
2 Section 4.37 as follows:

3 (5 ILCS 80/4.37 new)

4 Sec. 4.37. Act repealed on January 1, 2027. The following
5 Act is repealed on January 1, 2027:

6 The Gun Dealer Licensing Act.

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

9 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

10 Sec. 5-45. Emergency rulemaking.

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

14 (b) If any agency finds that an emergency exists that
15 requires adoption of a rule upon fewer days than is required by
16 Section 5-40 and states in writing its reasons for that
17 finding, the agency may adopt an emergency rule without prior
18 notice or hearing upon filing a notice of emergency rulemaking
19 with the Secretary of State under Section 5-70. The notice
20 shall include the text of the emergency rule and shall be
21 published in the Illinois Register. Consent orders or other
22 court orders adopting settlements negotiated by an agency may
23 be adopted under this Section. Subject to applicable

1 constitutional or statutory provisions, an emergency rule
2 becomes effective immediately upon filing under Section 5-65 or
3 at a stated date less than 10 days thereafter. The agency's
4 finding and a statement of the specific reasons for the finding
5 shall be filed with the rule. The agency shall take reasonable
6 and appropriate measures to make emergency rules known to the
7 persons who may be affected by them.

8 (c) An emergency rule may be effective for a period of not
9 longer than 150 days, but the agency's authority to adopt an
10 identical rule under Section 5-40 is not precluded. No
11 emergency rule may be adopted more than once in any 24 month
12 period, except that this limitation on the number of emergency
13 rules that may be adopted in a 24 month period does not apply
14 to (i) emergency rules that make additions to and deletions
15 from the Drug Manual under Section 5-5.16 of the Illinois
16 Public Aid Code or the generic drug formulary under Section
17 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
18 emergency rules adopted by the Pollution Control Board before
19 July 1, 1997 to implement portions of the Livestock Management
20 Facilities Act, (iii) emergency rules adopted by the Illinois
21 Department of Public Health under subsections (a) through (i)
22 of Section 2 of the Department of Public Health Act when
23 necessary to protect the public's health, (iv) emergency rules
24 adopted pursuant to subsection (n) of this Section, (v)
25 emergency rules adopted pursuant to subsection (o) of this
26 Section, or (vi) emergency rules adopted pursuant to subsection

1 (c-5) of this Section. Two or more emergency rules having
2 substantially the same purpose and effect shall be deemed to be
3 a single rule for purposes of this Section.

4 (c-5) To facilitate the maintenance of the program of group
5 health benefits provided to annuitants, survivors, and retired
6 employees under the State Employees Group Insurance Act of
7 1971, rules to alter the contributions to be paid by the State,
8 annuitants, survivors, retired employees, or any combination
9 of those entities, for that program of group health benefits,
10 shall be adopted as emergency rules. The adoption of those
11 rules shall be considered an emergency and necessary for the
12 public interest, safety, and welfare.

13 (d) In order to provide for the expeditious and timely
14 implementation of the State's fiscal year 1999 budget,
15 emergency rules to implement any provision of Public Act 90-587
16 or 90-588 or any other budget initiative for fiscal year 1999
17 may be adopted in accordance with this Section by the agency
18 charged with administering that provision or initiative,
19 except that the 24-month limitation on the adoption of
20 emergency rules and the provisions of Sections 5-115 and 5-125
21 do not apply to rules adopted under this subsection (d). The
22 adoption of emergency rules authorized by this subsection (d)
23 shall be deemed to be necessary for the public interest,
24 safety, and welfare.

25 (e) In order to provide for the expeditious and timely
26 implementation of the State's fiscal year 2000 budget,

1 emergency rules to implement any provision of Public Act 91-24
2 ~~this amendatory Act of the 91st General Assembly~~ or any other
3 budget initiative for fiscal year 2000 may be adopted in
4 accordance with this Section by the agency charged with
5 administering that provision or initiative, except that the
6 24-month limitation on the adoption of emergency rules and the
7 provisions of Sections 5-115 and 5-125 do not apply to rules
8 adopted under this subsection (e). The adoption of emergency
9 rules authorized by this subsection (e) shall be deemed to be
10 necessary for the public interest, safety, and welfare.

11 (f) In order to provide for the expeditious and timely
12 implementation of the State's fiscal year 2001 budget,
13 emergency rules to implement any provision of Public Act 91-712
14 ~~this amendatory Act of the 91st General Assembly~~ or any other
15 budget initiative for fiscal year 2001 may be adopted in
16 accordance with this Section by the agency charged with
17 administering that provision or initiative, except that the
18 24-month limitation on the adoption of emergency rules and the
19 provisions of Sections 5-115 and 5-125 do not apply to rules
20 adopted under this subsection (f). The adoption of emergency
21 rules authorized by this subsection (f) shall be deemed to be
22 necessary for the public interest, safety, and welfare.

23 (g) In order to provide for the expeditious and timely
24 implementation of the State's fiscal year 2002 budget,
25 emergency rules to implement any provision of Public Act 92-10
26 ~~this amendatory Act of the 92nd General Assembly~~ or any other

1 budget initiative for fiscal year 2002 may be adopted in
2 accordance with this Section by the agency charged with
3 administering that provision or initiative, except that the
4 24-month limitation on the adoption of emergency rules and the
5 provisions of Sections 5-115 and 5-125 do not apply to rules
6 adopted under this subsection (g). The adoption of emergency
7 rules authorized by this subsection (g) shall be deemed to be
8 necessary for the public interest, safety, and welfare.

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

21 (i) In order to provide for the expeditious and timely
22 implementation of the State's fiscal year 2004 budget,
23 emergency rules to implement any provision of Public Act 93-20
24 ~~this amendatory Act of the 93rd General Assembly~~ or any other
25 budget initiative for fiscal year 2004 may be adopted in
26 accordance with this Section by the agency charged with

1 administering that provision or initiative, except that the
2 24-month limitation on the adoption of emergency rules and the
3 provisions of Sections 5-115 and 5-125 do not apply to rules
4 adopted under this subsection (i). The adoption of emergency
5 rules authorized by this subsection (i) shall be deemed to be
6 necessary for the public interest, safety, and welfare.

7 (j) In order to provide for the expeditious and timely
8 implementation of the provisions of the State's fiscal year
9 2005 budget as provided under the Fiscal Year 2005 Budget
10 Implementation (Human Services) Act, emergency rules to
11 implement any provision of the Fiscal Year 2005 Budget
12 Implementation (Human Services) Act may be adopted in
13 accordance with this Section by the agency charged with
14 administering that provision, except that the 24-month
15 limitation on the adoption of emergency rules and the
16 provisions of Sections 5-115 and 5-125 do not apply to rules
17 adopted under this subsection (j). The Department of Public Aid
18 may also adopt rules under this subsection (j) necessary to
19 administer the Illinois Public Aid Code and the Children's
20 Health Insurance Program Act. The adoption of emergency rules
21 authorized by this subsection (j) shall be deemed to be
22 necessary for the public interest, safety, and welfare.

23 (k) In order to provide for the expeditious and timely
24 implementation of the provisions of the State's fiscal year
25 2006 budget, emergency rules to implement any provision of
26 Public Act 94-48 ~~this amendatory Act of the 94th General~~

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

17 (l) In order to provide for the expeditious and timely
18 implementation of the provisions of the State's fiscal year
19 2007 budget, the Department of Healthcare and Family Services
20 may adopt emergency rules during fiscal year 2007, including
21 rules effective July 1, 2007, in accordance with this
22 subsection to the extent necessary to administer the
23 Department's responsibilities with respect to amendments to
24 the State plans and Illinois waivers approved by the federal
25 Centers for Medicare and Medicaid Services necessitated by the
26 requirements of Title XIX and Title XXI of the federal Social

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

4 (m) In order to provide for the expeditious and timely
5 implementation of the provisions of the State's fiscal year
6 2008 budget, the Department of Healthcare and Family Services
7 may adopt emergency rules during fiscal year 2008, including
8 rules effective July 1, 2008, in accordance with this
9 subsection to the extent necessary to administer the
10 Department's responsibilities with respect to amendments to
11 the State plans and Illinois waivers approved by the federal
12 Centers for Medicare and Medicaid Services necessitated by the
13 requirements of Title XIX and Title XXI of the federal Social
14 Security Act. The adoption of emergency rules authorized by
15 this subsection (m) shall be deemed to be necessary for the
16 public interest, safety, and welfare.

17 (n) In order to provide for the expeditious and timely
18 implementation of the provisions of the State's fiscal year
19 2010 budget, emergency rules to implement any provision of
20 Public Act 96-45 ~~this amendatory Act of the 96th General~~
21 ~~Assembly~~ or any other budget initiative authorized by the 96th
22 General Assembly for fiscal year 2010 may be adopted in
23 accordance with this Section by the agency charged with
24 administering that provision or initiative. The adoption of
25 emergency rules authorized by this subsection (n) shall be
26 deemed to be necessary for the public interest, safety, and

1 welfare. The rulemaking authority granted in this subsection
2 (n) shall apply only to rules promulgated during Fiscal Year
3 2010.

4 (o) In order to provide for the expeditious and timely
5 implementation of the provisions of the State's fiscal year
6 2011 budget, emergency rules to implement any provision of
7 Public Act 96-958 ~~this amendatory Act of the 96th General~~
8 ~~Assembly~~ or any other budget initiative authorized by the 96th
9 General Assembly for fiscal year 2011 may be adopted in
10 accordance with this Section by the agency charged with
11 administering that provision or initiative. The adoption of
12 emergency rules authorized by this subsection (o) is deemed to
13 be necessary for the public interest, safety, and welfare. The
14 rulemaking authority granted in this subsection (o) applies
15 only to rules promulgated on or after the effective date of
16 Public Act 96-958 ~~this amendatory Act of the 96th General~~
17 ~~Assembly~~ through June 30, 2011.

18 (p) In order to provide for the expeditious and timely
19 implementation of the provisions of Public Act 97-689,
20 emergency rules to implement any provision of Public Act 97-689
21 may be adopted in accordance with this subsection (p) by the
22 agency charged with administering that provision or
23 initiative. The 150-day limitation of the effective period of
24 emergency rules does not apply to rules adopted under this
25 subsection (p), and the effective period may continue through
26 June 30, 2013. The 24-month limitation on the adoption of

1 emergency rules does not apply to rules adopted under this
2 subsection (p). The adoption of emergency rules authorized by
3 this subsection (p) is deemed to be necessary for the public
4 interest, safety, and welfare.

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

17 (r) In order to provide for the expeditious and timely
18 implementation of the provisions of Public Act 98-651 ~~this~~
19 ~~amendatory Act of the 98th General Assembly~~, emergency rules to
20 implement Public Act 98-651 ~~this amendatory Act of the 98th~~
21 ~~General Assembly~~ may be adopted in accordance with this
22 subsection (r) by the Department of Healthcare and Family
23 Services. The 24-month limitation on the adoption of emergency
24 rules does not apply to rules adopted under this subsection
25 (r). The adoption of emergency rules authorized by this
26 subsection (r) is deemed to be necessary for the public

1 interest, safety, and welfare.

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

15 (t) In order to provide for the expeditious and timely
16 implementation of the provisions of Article II of Public Act
17 99-6 ~~this amendatory Act of the 99th General Assembly,~~
18 emergency rules to implement the changes made by Article II of
19 Public Act 99-6 ~~this amendatory Act of the 99th General~~
20 ~~Assembly~~ to the Emergency Telephone System Act may be adopted
21 in accordance with this subsection (t) by the Department of
22 State Police. The rulemaking authority granted in this
23 subsection (t) shall apply only to those rules adopted prior to
24 July 1, 2016. The 24-month limitation on the adoption of
25 emergency rules does not apply to rules adopted under this
26 subsection (t). The adoption of emergency rules authorized by

1 this subsection (t) is deemed to be necessary for the public
2 interest, safety, and welfare.

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

12 (v) In order to provide for the expeditious and timely
13 implementation of the provisions of the Gun Dealer Licensing
14 Act, emergency rules to implement any provision of the Act may
15 be adopted in accordance with this subsection (v) by the
16 Department of Financial and Professional Regulation. The
17 rulemaking authority granted in this subsection (v) shall apply
18 only to those rules adopted no later than 180 days after the
19 effective date of this amendatory Act of the 99th General
20 Assembly. The adoption of emergency rules authorized by this
21 subsection (v) is deemed to be necessary for the public
22 interest, safety, and welfare.

23 (Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13;
24 98-651, eff. 6-16-14; 99-2, eff. 3-26-15; 99-6, eff. 1-1-16;
25 99-143, eff. 7-27-15; 99-455, eff. 1-1-16; revised
26 10-15-15.)".