



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 or any
8 person within the meanings provided by 18 U.S.C. 921(a)(11) and
9 27 CFR 478.11 to include any person engaged in the business of
10 selling firearms at wholesale or retail, or repairing firearms
11 or making or fitting special barrels, stocks, or trigger
12 mechanisms to firearms.

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

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

23 "Dealership licensee-in-charge" or "licensee-in-charge"
24 means a dealer who has been designated by a dealership to be
25 the licensee-in-charge of the dealership, who is a full-time
26 management employee or owner who assumes sole responsibility

1 for maintaining all records required by this Act, and who
2 assumes sole responsibility for assuring the dealership's
3 compliance with its responsibilities as stated in this Act. The
4 Department shall adopt rules mandating licensee-in-charge
5 participation in dealership affairs.

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

8 "Engaged in the business" means a person who, as provided
9 in 18 U.S.C. 921(a)(21) and 27 CFR 478.11(a), devotes time,
10 attention, and labor to engaging in such activity as a regular
11 course of trade or business with the principal objective of
12 livelihood and profit, or who:

13 (1) conducts a business selling, leasing, or
14 transferring firearms;

15 (2) holds himself or herself out as engaged in the
16 business of selling, leasing, or otherwise transferring
17 firearms; or

18 (3) sells, leases, or transfers firearms in quantity,
19 in series, or in any other manner indicative of trade.

20 "Gunsmith" means, as defined in 27 CFR 478.11(d), any
21 person who receives firearms (frames, receivers, or otherwise)
22 provided by a customer for the purpose of repairing, modifying,
23 embellishing, refurbishing, or installing parts in or on those
24 firearms. A gunsmith is not "engaged in the business" of
25 manufacturing firearms because the firearms being produced are
26 not owned by the gunsmith and he does not sell or distribute

1 the firearms manufactured.

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

4 "Licensee" means a dealer or a dealership licensed under
5 this Act. Anyone who holds himself or herself out as a licensee
6 or who is accused of unlicensed business is considered a
7 licensee for purposes of enforcement, investigation, hearings,
8 and the Illinois Administrative Procedure Act.

9 "Manufacturer" means, as defined by 18 U.S.C. 921 (a) (10)
10 and 27 CFR 478.11, any person engaged in the business of
11 manufacturing firearms or ammunition for purposes of sale or
12 distribution.

13 "Person" means a natural person.

14 "Secretary" means the Secretary of Financial and
15 Professional Regulation.

16 Section 10. License requirement.

17 (a) It is unlawful for a person to engage in the business
18 of selling, leasing, or otherwise transferring firearms
19 without a license under this Act. A dealership agent other than
20 a dealer licensee-in-charge may act on behalf of the licensed
21 dealership under Section 75 without being licensed as a dealer
22 under this Act.

23 (b) It is unlawful for a person, firm, corporation, group
24 of individuals, or other legal entity to act as a dealership
25 licensed under this Act, to advertise, or to assume to act as a

1 licensed dealership or to use a title implying that the person,
2 firm, or other entity is engaged in business as a dealership
3 without a license under this Act. An individual or sole
4 proprietor licensed as a dealer who operates without any
5 dealership agents may act as a dealership without having to
6 obtain a dealership license, provided the dealer notifies the
7 Department that he or she is operating in this manner and
8 provides the information required under Section 65, as
9 determined to be applicable to the dealer by the Department.
10 The dealer may operate under a "doing business as" or assumed
11 name certification so long as the assumed name is first
12 registered with the Department.

13 (c) No dealership shall operate a branch office without
14 first applying for and receiving a branch office license for
15 each location. The term "branch office" does not include a
16 location at which the dealership conducts business
17 temporarily, such as at a gun show.

18 (d) It is unlawful to obtain or attempt to obtain any
19 license or authorization issued under this Act by fraudulent
20 misrepresentation.

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

24 (f) In addition to any other penalty provided by law, any
25 person or entity who violates any provision of this Section
26 shall pay a civil penalty to the Department in an amount not to

1 exceed \$10,000 for each offense as determined by the
2 Department. The civil penalty shall be assessed by the
3 Department after a hearing is held in accordance with the
4 provisions set forth in this Act regarding the provision of a
5 hearing for the discipline of a licensee.

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

8 (h) The civil penalty shall be paid within 60 days after
9 the effective date of the order imposing the civil penalty. The
10 order shall constitute a judgment and may be filed and
11 execution had thereon in the same manner as any judgment from
12 any court of record.

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

17 (1) transfers of less than 10 firearms within each calendar
18 year;

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

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

25 (4) transfers of firearms among immediate family or

1 household members, as "immediate family or household member" is
2 defined in Section 3-2.7-10 of the Unified Code of Corrections;

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

5 (6) transfers by persons or entities liquidating all or
6 part of a collection. For purposes of this paragraph (6),
7 "collection" means 2 or more firearms which are of special
8 interest to collectors by reason of some quality other than is
9 associated with firearms intended for sporting use or as
10 offensive or defensive weapons;

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

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

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

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

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

25 (12) transfers by a person or entity who is licensed as a
26 manufacturer of firearms under Section 923 of Title 18 of the

1 United States Code to a person or entity who is licensed as a
2 dealer or dealership under this Act, or to a person or entity
3 who is licensed as a manufacturer, dealer, or importer of
4 firearms under Section 923 of Title 18 of the United States
5 Code; or

6 (13) transfers of pieces or parts of a firearm that do not
7 themselves qualify as firearms under paragraph (3) of
8 subsection (a) of Section 921 of the federal Gun Control Act of
9 1968 by a person who is actually engaged in manufacturing and
10 selling those pieces or parts but only on the activities which
11 are within the lawful scope of that business, and who possesses
12 a license as a manufacturer under subsection (a) of Section 923
13 of the federal Gun Control Act of 1968.

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

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

19 (2) Prescribe and publish rules for issuance of dealer
20 licenses and dealership licenses authorizing qualified
21 applicants to engage in the business of selling, leasing,
22 or otherwise transferring firearms.

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

25 (4) Examine the records of licensees or investigate any

1 other aspect of the business of selling, leasing, or
2 otherwise transferring firearms.

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

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

13 (7) Solicit the advice and expert knowledge of the
14 Board on any matter relating to the administration and
15 enforcement of this Act.

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

22 (9) Exercise the powers and duties prescribed by the
23 Civil Administrative Code of Illinois for the
24 administration of licensing Acts.

25 (10) Contract with the Department of State Police, as
26 necessary, to perform inspections of licensees, as

1 provided under this Act.

2 Section 25. The Gun Dealer Licensing Board.

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

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

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

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

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

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

24 (b) Members shall serve 4 year terms and may serve until
25 their successors are appointed and qualified. Partial terms of

1 over 2 years in length shall be considered full terms. No
2 member shall serve for more than 2 successive terms. Whenever a
3 vacancy in the Board occurs, the remaining members of the Board
4 shall notify the Secretary of that vacancy within 5 days after
5 its occurrence and the Secretary shall fill the vacancy within
6 45 days. Appointments to fill vacancies shall be made in the
7 same manner as the original appointments for the unexpired
8 portion of the vacated term.

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

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

19 (e) Members shall receive compensation as set by law. Each
20 member shall receive reimbursement as set by the Governor's
21 Travel Control Board for expenses incurred in carrying out the
22 duties as a Board member.

23 (f) A majority of Board members constitutes a quorum. A
24 majority vote of the members is required for a decision. A
25 vacancy in the membership of the Board shall not impair the
26 right of a quorum to exercise all of the rights and perform all

1 of the duties of the Board.

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

4 Section 30. Application for license; forms.

5 (a) Each license application shall be on forms provided by
6 the Department.

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

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

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

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

17 (a) The Department shall, upon the applicant's
18 satisfactory completion of the requirements under this Act and
19 receipt of the fee, issue the license indicating the name and
20 business location of the licensee and the date of expiration.
21 On or before December 31, 2018, the Department shall issue
22 dealer and dealership licenses to all qualified applicants
23 whose business existed in that location on the effective date
24 of this Act, and who submitted the application to the

1 Department on or after January 1, 2018 but before October 1,
2 2018. If an applicant submits an application for a license
3 before October 1, 2018 and the Department does not issue or
4 deny the license on or before December 31, 2018, or the
5 Department does not issue or deny a license within 90 days to
6 an applicant who submits an application for a license or
7 renewal of a license on October 1, 2018 or thereafter, the
8 applicant or licensee shall not be in violation of this Act on
9 the basis of continuing to operate the business.

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

23 (c) A dealership that has permitted a license to expire may
24 have it restored by submitting an application to the
25 Department, successfully completing an inspection by the
26 Department, and by paying the required restoration fee and all

1 lapsed renewal fees.

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

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

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

6 Section 40. Qualifications for licensure as a dealer.

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

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

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

18 (3) has not had a license or permit to sell, lease,
19 transfer, purchase, or possess firearms from the federal
20 government or the government of any state or subdivision of
21 any state revoked or suspended for good cause within the
22 preceding 3 years, or been terminated from employment with
23 a licensee or former licensee for good cause within the
24 preceding 3 years;

25 (4) has a minimum of one year of experience, with a

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

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

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

11 Section 45. Qualifications for licensure as a dealership.

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

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

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

19 (3) A corporation or limited liability company doing
20 business in this State that is authorized by its articles
21 of incorporation or organization to engage in the business
22 of conducting a dealership if at least one executive
23 employee is licensed as a dealer under this Act.

24 (b) The Department shall require all of the following
25 information from each applicant for licensure as a dealership

1 under this Act:

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

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

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

13 (4) The name of the owner or operator of the
14 dealership, including:

15 (A) if a person, then the name and address of
16 record of the person;

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

19 (C) if a corporation, then the name, address of
20 record, and title of each corporate officer and
21 director, the corporate names, and the name of the
22 state of incorporation; and

23 (D) if a sole proprietorship, then the full name
24 and address of record of the sole proprietor and the
25 name of the business entity.

26 (5) The name and license number of the

1 licensee-in-charge for the dealership.

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

5 (7) From the sheriff of the county in which the
6 business address is located written confirmation stating
7 that, to the best of the sheriff's knowledge, the applicant
8 is in compliance with applicable federal, State, and local
9 laws. A sheriff that refuses to provide this confirmation
10 within 30 days after the date of the application shall
11 instead submit an objection in writing to the Department
12 and the license applicant based upon a reasonable suspicion
13 that the applicant is not in compliance with applicable
14 federal, State, and local laws. If no written confirmation
15 or objection is made under this paragraph (7) within 30
16 days after the date of the application, the Department
17 shall proceed as if the sheriff had provided confirmation.
18 A municipality or county may impose additional
19 requirements for the operation of gun dealers and
20 dealerships beyond the requirements of this Act and
21 consistent with the United States Constitution and the
22 Constitution of the State of Illinois, including local
23 license requirements. It shall be the duty of local
24 authorities to investigate and enforce any failure of a
25 dealer or dealership to meet these requirements and to
26 notify the Department of these investigations and

1 enforcement actions. This paragraph (7) supersedes Section
2 13.1 of the Firearm Owners Identification Card Act and
3 Section 90 of the Firearm Concealed Carry Act as applied to
4 the local regulation of dealers and dealerships.

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

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

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

25 (d) The Department may request a personal interview of a
26 gun dealership licensee-in-charge to evaluate the dealership's

1 qualifications for a license.

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

7 Section 55. Requirements; prohibitions.

8 (a) The Department of Financial and Professional
9 Regulation shall implement the provisions of this Section by
10 rule.

11 (b) A licensee shall maintain operating documents which
12 shall include procedures for the oversight of the licensee and
13 procedures to ensure accurate recordkeeping.

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

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

20 (2) alarm systems for licensees; and

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

24 (d) The area where the licensee stores firearms that are

1 inventory of the licensee shall only be accessed by dealership
2 agents, Department of Financial and Professional Regulation
3 staff performing inspections, law enforcement or other
4 emergency personnel, and contractors working on jobs unrelated
5 to firearms, such as installing or maintaining security devices
6 or performing electrical wiring.

7 (e) A licensee shall operate its business and conduct all
8 sales and transfers of firearms or in compliance with all
9 federal and State laws, and maintain all records as required by
10 federal and State laws.

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

13 (g) A licensee shall post in a conspicuous position on the
14 premises where the licensee conducts business a sign that
15 contains the following warning in block letters not less than
16 one inch in height:

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

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

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

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

25 A licensee shall post any additional warnings or provide
26 any other information regarding firearms laws and the safe

1 storage of firearms to consumers as required by the Department
2 by rule.

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

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

21 Section 60. Dealership agent requirements. A licensed
22 dealership may employ in the conduct of his or her business
23 dealership agents under the following provisions:

24 (1) A dealership shall not knowingly allow a person to have
25 unsupervised access to firearms in the inventory of the

1 dealership or confidential or security information who:

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

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

5 (C) Has had a license denied, suspended, or revoked
6 under this Act, or been terminated from employment as a
7 dealership agent:

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

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

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

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

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

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

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

25 (C) That the person will notify the dealership
26 immediately if his or her Firearm Owner's Identification

1 Card or concealed carry license is revoked for any reason.

2 (D) That the person will not divert firearms in
3 violation of the law.

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

13 (4) As part of an application for renewal or restoration of
14 a dealership license, the dealership shall confirm the validity
15 of the Firearm Owner's Identification Card of each dealership
16 agent employed by the dealership, and record the unique
17 approval number provided by the Department of State Police in
18 the record maintained under paragraph (5) of this Section,
19 provided that a dealership shall not be required to confirm the
20 validity of the Firearm Owner's Identification Card of a
21 dealership agent if the dealership has already confirmed the
22 validity of the dealership agent's Firearm Owner's
23 Identification Card within the last 6 months or the dealership
24 agent has provided the dealership with a copy of his or her
25 valid and unexpired concealed carry license within the last 6
26 months.

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

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

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

13 (6) Every dealership shall maintain a separate roster of
14 the names of all dealership agents and submit the roster to the
15 Department on request.

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

21 (8) Peace officers shall be exempt from the requirements of
22 this Section relating to Firearm Owner's Identification Cards
23 and concealed carry licenses. The dealership shall remain
24 responsible for any peace officer employed under this
25 exemption, regardless of whether the peace officer is
26 compensated as an employee or as an independent contractor and

1 as further defined by rule.

2 (9) Persons who have no unsupervised access to firearms in
3 the inventory of a dealership or confidential or security
4 information are exempt from the requirements of a dealership
5 agent.

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

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

17 Section 70. Disciplinary sanctions.

18 (a) The Department may deny issuance, refuse to renew, or
19 restore or may reprimand, place on probation, suspend, revoke,
20 or take other disciplinary or non-disciplinary action against
21 any license, may impose a fine not to exceed \$10,000 for each
22 violation, and may assess costs as provided for under Section
23 135, for any of the following, consistent with the Protection
24 of Lawful Commerce in Arms Act, 15 U.S.C. 7901 through 7903 or

1 amendments thereto:

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

4 (2) Violations of this Act, any of the rules adopted
5 under this Act, or any law applicable to the sale or
6 transfer of firearms.

7 (3) Making any misrepresentation for the purpose of
8 obtaining licenses or cards.

9 (4) A pattern of practice or other behavior which
10 demonstrates incapacity or incompetency to practice under
11 this Act.

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

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

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

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

21 (A) Physical illness, mental illness, or other
22 impairment, including, but not limited to,
23 deterioration through the aging process or loss of
24 motor skills that results in the inability to serve the
25 public with reasonable judgment, skill, or safety.

26 (B) Any circumstance that disqualifies the person

1 from obtaining a valid Firearm Owner's Identification
2 Card.

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

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

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

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

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

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

19 (14) Revealing confidential or security information,
20 except as specifically authorized by law, including but not
21 limited to information about purchasers and transferees of
22 firearms, provided that a licensee or dealership agent may
23 disclose this information under a court order, subpoena, or
24 search warrant or to the Department or federal, State, or
25 local law enforcement agencies upon request.

26 (15) Purporting to be a licensee-in-charge of an agency

1 without active participation in the agency.

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

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

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

13 Section 75. Suspension or revocation of dealership agent
14 authority.

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

24 (b) The revocation of a dealer's or dealership agent's
25 Firearm Owner's Identification Card or concealed carry

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

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

1 pay all expenses of processing this application. The Secretary
2 may waive the fines due under this Section in individual cases
3 if the Secretary finds that the fines would be unreasonable or
4 unnecessarily burdensome.

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

12 Section 90. Complaints; investigations; hearings.

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

16 (b) The Department shall, before disciplining a licensee
17 under Section 115 or refusing to issue or license, at least 30
18 days before the date set for the hearing, (i) notify the
19 accused in writing of the charges made and the time and place
20 for the hearing on the charges, (ii) direct him or her to file
21 a written answer to the charges under oath within 20 days after
22 service, and (iii) inform the applicant or licensee that
23 failure to answer will result in a default being entered
24 against the applicant or licensee.

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

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

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

24 Section 95. Hearing; rehearing.

25 (a) The Board or the hearing officer authorized by the

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

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

1 to the applicant or licensee.

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

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

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

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

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

19 Section 105. Restoration of license after disciplinary
20 proceedings. At any time after the successful completion of a
21 term of indefinite probation, indefinite suspension, or
22 revocation of a license, the Department may restore it to the
23 licensee, unless, after an investigation and a hearing, the
24 Secretary determines that restoration is not in the public

1 interest. No person or entity whose license, card, or authority
2 has been revoked as authorized in this Act may apply for
3 restoration of that license, registration, or authority until
4 such time as provided for in the Civil Administrative Code of
5 Illinois.

6 Section 110. Injunction; cease and desist orders.

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

22 (b) If any person has engaged in the business of selling,
23 leasing, or otherwise transferring firearms without having a
24 valid license under this Act, then any licensee, any interested
25 party, or any person injured thereby may, in addition to the

1 Secretary, petition for relief as provided in subsection (a) of
2 this Section.

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

14 Section 115. Administrative review. All final
15 administrative decisions of the Department are subject to
16 judicial review under Article III of the Code of Civil
17 Procedure. The term "administrative decision" is defined as in
18 Section 3-101 of the Code of Civil Procedure. The proceedings
19 for judicial review shall be commenced in the circuit court of
20 the county in which the party applying for review resides; but
21 if the party is not a resident of this State, the venue shall
22 be in Sangamon County. The Department shall not be required to
23 certify any record to the court or file any answer in court or
24 otherwise appear in any court in a judicial review proceeding,
25 unless and until the Department has received from the plaintiff

1 payment of the costs of furnishing and certifying the record,
2 which costs shall be determined by the Department. Exhibits
3 shall be certified without cost. Failure on the part of the
4 applicant or licensee to file a receipt in court is grounds for
5 dismissal of the action.

6 Section 120. Prima facie proof.

7 (a) An order or a certified copy thereof, over the seal of
8 the Department and purporting to be signed by the Secretary, is
9 prima facie proof that the signature is that of the Secretary,
10 and the Secretary is qualified to act.

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

15 Section 125. Subpoenas.

16 (a) The Department may subpoena and bring before it any
17 person to take the oral or written testimony or compel the
18 production of any books, papers, records, or any other
19 documents that the Secretary or his or her designee deems
20 relevant or material to any such investigation or hearing
21 conducted by the Department with the same fees and in the same
22 manner as prescribed in civil cases in the courts of this
23 State.

24 (b) Any circuit court, upon the application of the

1 applicant, licensee, or Department, may order the attendance
2 and testimony of witnesses and the production of relevant
3 documents, files, records, books, and papers in connection with
4 any hearing or investigation. The circuit court may compel
5 obedience to its order by proceedings for contempt.

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

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

19 Section 135. Fees; deposit of fees and fines. The
20 Department shall by rule provide for fees for the
21 administration and enforcement of this Act, and those fees are
22 nonrefundable. All of the fees, penalties, and fines collected
23 under this Act shall be deposited into the General Professions
24 Dedicated Fund and shall be appropriated to the Department for

1 the ordinary and contingent expenses of the Department in the
2 administration and enforcement of this Act.

3 Section 140. Illinois Administrative Procedure Act;
4 application.

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

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

20 Section 145. Confidentiality. All information collected by
21 the Department in the course of an examination or investigation
22 of a licensee or applicant, including, but not limited to, any
23 complaint against a licensee filed with the Department and
24 information collected to investigate any such complaint, shall

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

13 Section 150. Rules. The Department shall adopt rules
14 necessary to implement the provisions of this Act no later than
15 180 days after the effective date of this Act. The Department
16 may adopt rules necessary to implement the provisions of this
17 Act through the use of emergency rulemaking in accordance with
18 Section 5-45 of the Illinois Administrative Procedure Act for a
19 period not to exceed 180 days after the effective date of this
20 Act.

21 Section 900. The Regulatory Sunset Act is amended by
22 changing Section 4.37 as follows:

23 (5 ILCS 80/4.37)

1 Sec. 4.37. Acts repealed on January 1, 2027. The following
2 Acts are ~~Act is~~ repealed on January 1, 2027:

3 The Clinical Psychologist Licensing Act.

4 The Gun Dealer Licensing Act.

5 (Source: P.A. 99-572, eff. 7-15-16.)

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

8 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

9 Sec. 5-45. Emergency rulemaking.

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

13 (b) If any agency finds that an emergency exists that
14 requires adoption of a rule upon fewer days than is required by
15 Section 5-40 and states in writing its reasons for that
16 finding, the agency may adopt an emergency rule without prior
17 notice or hearing upon filing a notice of emergency rulemaking
18 with the Secretary of State under Section 5-70. The notice
19 shall include the text of the emergency rule and shall be
20 published in the Illinois Register. Consent orders or other
21 court orders adopting settlements negotiated by an agency may
22 be adopted under this Section. Subject to applicable
23 constitutional or statutory provisions, an emergency rule
24 becomes effective immediately upon filing under Section 5-65 or

1 at a stated date less than 10 days thereafter. The agency's
2 finding and a statement of the specific reasons for the finding
3 shall be filed with the rule. The agency shall take reasonable
4 and appropriate measures to make emergency rules known to the
5 persons who may be affected by them.

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

1 effect shall be deemed to be a single rule for purposes of this
2 Section.

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

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

24 (e) In order to provide for the expeditious and timely
25 implementation of the State's fiscal year 2000 budget,
26 emergency rules to implement any provision of Public Act 91-24

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

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

22 (g) In order to provide for the expeditious and timely
23 implementation of the State's fiscal year 2002 budget,
24 emergency rules to implement any provision of Public Act 92-10
25 or any other budget initiative for fiscal year 2002 may be
26 adopted in accordance with this Section by the agency charged

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

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

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

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

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

22 (k) In order to provide for the expeditious and timely
23 implementation of the provisions of the State's fiscal year
24 2006 budget, emergency rules to implement any provision of
25 Public Act 94-48 or any other budget initiative for fiscal year
26 2006 may be adopted in accordance with this Section by the

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

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

1 public interest, safety, and welfare.

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

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

1 (o) In order to provide for the expeditious and timely
2 implementation of the provisions of the State's fiscal year
3 2011 budget, emergency rules to implement any provision of
4 Public Act 96-958 or any other budget initiative authorized by
5 the 96th General Assembly for fiscal year 2011 may be adopted
6 in accordance with this Section by the agency charged with
7 administering that provision or initiative. The adoption of
8 emergency rules authorized by this subsection (o) is deemed to
9 be necessary for the public interest, safety, and welfare. The
10 rulemaking authority granted in this subsection (o) applies
11 only to rules promulgated on or after July 1, 2010 (the
12 effective date of Public Act 96-958) through June 30, 2011.

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

26 (q) In order to provide for the expeditious and timely

1 implementation of the provisions of Articles 7, 8, 9, 11, and
2 12 of Public Act 98-104, emergency rules to implement any
3 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104
4 may be adopted in accordance with this subsection (q) by the
5 agency charged with administering that provision or
6 initiative. The 24-month limitation on the adoption of
7 emergency rules does not apply to rules adopted under this
8 subsection (q). The adoption of emergency rules authorized by
9 this subsection (q) is deemed to be necessary for the public
10 interest, safety, and welfare.

11 (r) In order to provide for the expeditious and timely
12 implementation of the provisions of Public Act 98-651,
13 emergency rules to implement Public Act 98-651 may be adopted
14 in accordance with this subsection (r) by the Department of
15 Healthcare and Family Services. The 24-month limitation on the
16 adoption of emergency rules does not apply to rules adopted
17 under this subsection (r). The adoption of emergency rules
18 authorized by this subsection (r) is deemed to be necessary for
19 the public interest, safety, and welfare.

20 (s) In order to provide for the expeditious and timely
21 implementation of the provisions of Sections 5-5b.1 and 5A-2 of
22 the Illinois Public Aid Code, emergency rules to implement any
23 provision of Section 5-5b.1 or Section 5A-2 of the Illinois
24 Public Aid Code may be adopted in accordance with this
25 subsection (s) by the Department of Healthcare and Family
26 Services. The rulemaking authority granted in this subsection

1 (s) shall apply only to those rules adopted prior to July 1,
2 2015. Notwithstanding any other provision of this Section, any
3 emergency rule adopted under this subsection (s) shall only
4 apply to payments made for State fiscal year 2015. The adoption
5 of emergency rules authorized by this subsection (s) is deemed
6 to be necessary for the public interest, safety, and welfare.

7 (t) In order to provide for the expeditious and timely
8 implementation of the provisions of Article II of Public Act
9 99-6, emergency rules to implement the changes made by Article
10 II of Public Act 99-6 to the Emergency Telephone System Act may
11 be adopted in accordance with this subsection (t) by the
12 Department of State Police. The rulemaking authority granted in
13 this subsection (t) shall apply only to those rules adopted
14 prior to July 1, 2016. The 24-month limitation on the adoption
15 of emergency rules does not apply to rules adopted under this
16 subsection (t). The adoption of emergency rules authorized by
17 this subsection (t) is deemed to be necessary for the public
18 interest, safety, and welfare.

19 (u) In order to provide for the expeditious and timely
20 implementation of the provisions of the Burn Victims Relief
21 Act, emergency rules to implement any provision of the Act may
22 be adopted in accordance with this subsection (u) by the
23 Department of Insurance. The rulemaking authority granted in
24 this subsection (u) shall apply only to those rules adopted
25 prior to December 31, 2015. The adoption of emergency rules
26 authorized by this subsection (u) is deemed to be necessary for

1 the public interest, safety, and welfare.

2 (v) In order to provide for the expeditious and timely
3 implementation of the provisions of Public Act 99-516 ~~this~~
4 ~~amendatory Act of the 99th General Assembly~~, emergency rules to
5 implement Public Act 99-516 ~~this amendatory Act of the 99th~~
6 ~~General Assembly~~ may be adopted in accordance with this
7 subsection (v) by the Department of Healthcare and Family
8 Services. The 24-month limitation on the adoption of emergency
9 rules does not apply to rules adopted under this subsection
10 (v). The adoption of emergency rules authorized by this
11 subsection (v) is deemed to be necessary for the public
12 interest, safety, and welfare.

13 (w) ~~(v)~~ In order to provide for the expeditious and timely
14 implementation of the provisions of Public Act 99-796 ~~this~~
15 ~~amendatory Act of the 99th General Assembly~~, emergency rules to
16 implement the changes made by Public Act 99-796 ~~this amendatory~~
17 ~~Act of the 99th General Assembly~~ may be adopted in accordance
18 with this subsection (w) ~~(v)~~ by the Adjutant General. The
19 adoption of emergency rules authorized by this subsection (w)
20 ~~(v)~~ is deemed to be necessary for the public interest, safety,
21 and welfare.

22 (x) In order to provide for the expeditious and timely
23 implementation of the provisions of the Gun Dealer Licensing
24 Act, emergency rules to implement any provision of the Act may
25 be adopted in accordance with this subsection (x) by the
26 Department of Financial and Professional Regulation. The

1 rulemaking authority granted in this subsection (x) shall apply
2 only to those rules adopted no later than 180 days after the
3 effective date of this amendatory Act of the 99th General
4 Assembly. The adoption of emergency rules authorized by this
5 subsection (x) is deemed to be necessary for the public
6 interest, safety, and welfare.

7 (Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13;
8 98-651, eff. 6-16-14; 99-2, eff. 3-26-15; 99-6, eff. 1-1-16;
9 99-143, eff. 7-27-15; 99-455, eff. 1-1-16; 99-516, eff.
10 6-30-16; 99-642, eff. 7-28-16; 99-796, eff. 1-1-17; revised
11 9-21-16.)".