

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Administrative Procedure Act is  
5 amended by changing Sections 10-25 and 10-50 as follows:

6 (5 ILCS 100/10-25) (from Ch. 127, par. 1010-25)

7 Sec. 10-25. Contested cases; notice; hearing.

8 (a) In a contested case, all parties shall be afforded an  
9 opportunity for a hearing after reasonable notice. The notice  
10 shall be served personally or by certified or registered mail  
11 or by electronic mail if agreed to by the parties or as  
12 otherwise provided by law upon the parties or their agents  
13 appointed to receive service of process and shall include the  
14 following:

15 (1) A statement of the time, place, and nature of the  
16 hearing.

17 (2) A statement of the legal authority and jurisdiction  
18 under which the hearing is to be held.

19 (3) A reference to the particular Sections of the  
20 substantive and procedural statutes and rules involved.

21 (4) Except where a more detailed statement is otherwise  
22 provided for by law, a short and plain statement of the  
23 matters asserted, the consequences of a failure to respond,

1 and the official file or other reference number.

2 (5) The names and mailing addresses of the  
3 administrative law judge, all parties, and all other  
4 persons to whom the agency gives notice of the hearing  
5 unless otherwise confidential by law.

6 (b) An opportunity shall be afforded all parties to be  
7 represented by legal counsel and to respond and present  
8 evidence and argument.

9 (c) Unless precluded by law, disposition may be made of any  
10 contested case by stipulation, agreed settlement, consent  
11 order, or default.

12 (Source: P.A. 87-823.)

13 (5 ILCS 100/10-50) (from Ch. 127, par. 1010-50)

14 Sec. 10-50. Decisions and orders.

15 (a) A final decision or order adverse to a party (other  
16 than the agency) in a contested case shall be in writing or  
17 stated in the record. A final decision shall include findings  
18 of fact and conclusions of law, separately stated. Findings of  
19 fact, if set forth in statutory language, shall be accompanied  
20 by a concise and explicit statement of the underlying facts  
21 supporting the findings. If, in accordance with agency rules, a  
22 party submitted proposed findings of fact, the decision shall  
23 include a ruling upon each proposed finding. Parties or their  
24 agents appointed to receive service of process shall be  
25 notified either personally or by registered or certified mail

1 of any decision or order. Upon request a copy of the decision  
2 or order shall be delivered or mailed forthwith to each party  
3 and to his attorney of record.

4 (b) All agency orders shall specify whether they are final  
5 and subject to the Administrative Review Law. Every final order  
6 shall contain a list of all parties of record to the case  
7 including the name and address of the agency or officer  
8 entering the order and the addresses of each party as known to  
9 the agency where the parties may be served with pleadings,  
10 notices, or service of process for any review or further  
11 proceedings. Every final order shall also state whether the  
12 rules of the agency require any motion or request for  
13 reconsideration to make the decision reviewable under the  
14 Administrative Review Law and shall cite the rule for the  
15 requirement. The changes made by this amendatory Act of the  
16 99th General Assembly apply to all actions filed under the  
17 Administrative Review Law on or after the effective date of  
18 this amendatory Act of the 99th General Assembly.

19 (c) A decision by any agency in a contested case under this  
20 Act shall be void unless the proceedings are conducted in  
21 compliance with the provisions of this Act relating to  
22 contested cases, except to the extent those provisions are  
23 waived under Section 10-70 and except to the extent the agency  
24 has adopted its own rules for contested cases as authorized in  
25 Section 1-5.

26 (Source: P.A. 92-16, eff. 6-28-01.)

1           Section 10. The Code of Civil Procedure is amended by  
2 changing Sections 3-102, 3-107, and 3-111 as follows:

3           (735 ILCS 5/3-102) (from Ch. 110, par. 3-102)

4           Sec. 3-102. Scope of Article. Article III of this Act shall  
5 apply to and govern every action to review judicially a final  
6 decision of any administrative agency where the Act creating or  
7 conferring power on such agency, by express reference, adopts  
8 the provisions of Article III of this Act or its predecessor,  
9 the Administrative Review Act. This Article shall be known as  
10 the "Administrative Review Law". In all such cases, any other  
11 statutory, equitable or common law mode of review of decisions  
12 of administrative agencies heretofore available shall not  
13 hereafter be employed.

14           Unless review is sought of an administrative decision  
15 within the time and in the manner herein provided, the parties  
16 to the proceeding before the administrative agency shall be  
17 barred from obtaining judicial review of such administrative  
18 decision. In an action to review any final decision of any  
19 administrative agency brought under Article III, if a judgment  
20 is reversed or entered against the plaintiff, or the action is  
21 voluntarily dismissed by the plaintiff, or the action is  
22 dismissed for want of prosecution, or the action is dismissed  
23 by a United States District Court for lack of jurisdiction,  
24 neither the plaintiff nor his or her heirs, executors, or

1 administrators may commence a new action within one year or  
2 within the remaining period of limitation, whichever is  
3 greater. All proceedings in the court for revision of such  
4 final decision shall terminate upon the date of the entry of  
5 any Order under either Section 2-1009 or Section 13-217. Such  
6 Order shall cause the final administrative decision of any  
7 administrative agency to become immediately enforceable. If  
8 under the terms of the Act governing the procedure before an  
9 administrative agency an administrative decision has become  
10 final because of the failure to file any document in the nature  
11 of objections, protests, petition for hearing or application  
12 for administrative review within the time allowed by such Act,  
13 such decision shall not be subject to judicial review hereunder  
14 excepting only for the purpose of questioning the jurisdiction  
15 of the administrative agency over the person or subject matter.

16 This Article shall be liberally construed in the interests  
17 of justice to grant an orderly method of judicial review of  
18 administrative agency decisions.

19 The changes made by this amendatory Act of the 99th General  
20 Assembly apply to all actions filed on or after the effective  
21 date of this amendatory Act of the 99th General Assembly.

22 (Source: P.A. 88-1.)

23 (735 ILCS 5/3-107) (from Ch. 110, par. 3-107)

24 Sec. 3-107. Defendants.

25 (a) Except as provided in subsection (b) or (c), in any

1 action to review any final decision of an administrative  
2 agency, the administrative agency and all persons, other than  
3 the plaintiff, who were parties of record to the proceedings  
4 before the administrative agency shall be made defendants. The  
5 method of service of the decision shall be as provided in the  
6 Act governing the procedure before the administrative agency,  
7 but if no method is provided, a decision shall be deemed to  
8 have been served either when a copy of the decision is  
9 personally delivered or when a copy of the decision is  
10 deposited in the United States mail, in a sealed envelope or  
11 package, with postage prepaid, addressed to the party affected  
12 by the decision at his or her last known residence or place of  
13 business. The form of the summons and the issuance of alias  
14 summons shall be according to rules of the Supreme Court.

15 No action for administrative review shall be dismissed for  
16 lack of jurisdiction: (1) based upon the misnomer of an agency,  
17 board, commission, or party who is properly served with summons  
18 that was issued in the action within the applicable time  
19 limits; or (2) for a ~~the~~ failure to name an employee, agent, or  
20 member, who acted in his or her official capacity, of an  
21 administrative agency, board, committee, or government entity,  
22 where a timely action for administrative review has been filed  
23 that identifies the final administrative decision under review  
24 and that makes a good faith effort to properly name the  
25 administrative agency ~~the administrative agency, board,~~  
26 ~~committee, or government entity, has been named as a defendant~~

1 ~~as provided in this Section.~~ Naming the director or agency  
2 head, in his or her official capacity, shall be deemed to  
3 include as defendant the administrative agency, board,  
4 committee, or government entity that the named defendants  
5 direct or head. No action for administrative review shall be  
6 dismissed for lack of jurisdiction based upon the failure to  
7 name an administrative agency, board, committee, or government  
8 entity, where the director or agency head, in his or her  
9 official capacity, has been named as a defendant as provided in  
10 this Section.

11 If, during the course of a review action, the court  
12 determines that an agency or a party of record to the  
13 administrative proceedings was not made a defendant as required  
14 by the preceding paragraph, then the court shall grant the  
15 plaintiff 35 days from the date of the determination in which  
16 to name and serve the unnamed agency or party as a defendant.  
17 The court shall permit the newly served defendant to  
18 participate in the proceedings to the extent the interests of  
19 justice may require.

20 (b) With respect to actions to review decisions of a zoning  
21 board of appeals in a municipality with a population of 500,000  
22 or more inhabitants under Division 13 of Article 11 of the  
23 Illinois Municipal Code, "parties of record" means only the  
24 zoning board of appeals and applicants before the zoning board  
25 of appeals. The plaintiff shall send a notice of filing of the  
26 action by certified mail to each other person who appeared

1 before and submitted oral testimony or written statements to  
2 the zoning board of appeals with respect to the decision  
3 appealed from. The notice shall be mailed within 2 days of the  
4 filing of the action. The notice shall state the caption of the  
5 action, the court in which the action is filed, and the names  
6 of the plaintiff in the action and the applicant to the zoning  
7 board of appeals. The notice shall inform the person of his or  
8 her right to intervene. Each person who appeared before and  
9 submitted oral testimony or written statements to the zoning  
10 board of appeals with respect to the decision appealed from  
11 shall have a right to intervene as a defendant in the action  
12 upon application made to the court within 30 days of the  
13 mailing of the notice.

14 (c) With respect to actions to review decisions of a  
15 hearing officer or a county zoning board of appeals under  
16 Division 5-12 of Article 5 of the Counties Code, "parties of  
17 record" means only the hearing officer or the zoning board of  
18 appeals and applicants before the hearing officer or the zoning  
19 board of appeals. The plaintiff shall send a notice of filing  
20 of the action by certified mail to each other person who  
21 appeared before and submitted oral testimony or written  
22 statements to the hearing officer or the zoning board of  
23 appeals with respect to the decision appealed from. The notice  
24 shall be mailed within 2 days of the filing of the action. The  
25 notice shall state the caption of the action, the court in  
26 which the action is filed, and the name of the plaintiff in the

1 action and the applicant to the hearing officer or the zoning  
2 board of appeals. The notice shall inform the person of his or  
3 her right to intervene. Each person who appeared before and  
4 submitted oral testimony or written statements to the hearing  
5 officer or the zoning board of appeals with respect to the  
6 decision appealed from shall have a right to intervene as a  
7 defendant in the action upon application made to the court  
8 within 30 days of the mailing of the notice. This subsection  
9 (c) applies to zoning proceedings commenced on or after the  
10 effective date of this amendatory Act of the 95th General  
11 Assembly.

12 (d) The changes to this Section made by this amendatory Act  
13 of the 95th General Assembly apply to all actions filed on or  
14 after the effective date of this amendatory Act of the 95th  
15 General Assembly. The changes made by this amendatory Act of  
16 the 99th General Assembly apply to all actions filed on or  
17 after the effective date of this amendatory Act of the 99th  
18 General Assembly.

19 (Source: P.A. 95-321, eff. 8-21-07; 95-831, eff. 8-14-08.)

20 (735 ILCS 5/3-111) (from Ch. 110, par. 3-111)

21 Sec. 3-111. Powers of circuit court.

22 (a) The Circuit Court has power:

23 (1) with or without requiring bond (except if otherwise  
24 provided in the particular statute under authority of which  
25 the administrative decision was entered), and before or

1 after answer filed, upon notice to the agency and good  
2 cause shown, to stay the decision of the administrative  
3 agency in whole or in part pending the final disposition of  
4 the case. For the purpose of this subsection, "good cause"  
5 requires the applicant to show (i) that an immediate stay  
6 is required in order to preserve the status quo without  
7 endangering the public, (ii) that it is not contrary to  
8 public policy, and (iii) that there exists a reasonable  
9 likelihood of success on the merits;

10 (2) to make any order that it deems proper for the  
11 amendment, completion or filing of the record of  
12 proceedings of the administrative agency;

13 (3) to allow substitution of parties by reason of  
14 marriage, death, bankruptcy, assignment or other cause;

15 (4) to dismiss parties, to correct misnomers including  
16 any erroneous identification of the agency, to realign  
17 parties, or to join agencies or parties;

18 (5) to affirm or reverse the decision in whole or in  
19 part;

20 (6) where a hearing has been held by the agency, to  
21 reverse and remand the decision in whole or in part, and,  
22 in that case, to state the questions requiring further  
23 hearing or proceedings and to give such other instructions  
24 as may be proper;

25 (7) where a hearing has been held by the agency, to  
26 remand for the purpose of taking additional evidence when

1 from the state of the record of the administrative agency  
2 or otherwise it shall appear that such action is just.  
3 However, no remandment shall be made on the ground of newly  
4 discovered evidence unless it appears to the satisfaction  
5 of the court that such evidence has in fact been discovered  
6 subsequent to the termination of the proceedings before the  
7 administrative agency and that it could not by the exercise  
8 of reasonable diligence have been obtained at such  
9 proceedings; and that such evidence is material to the  
10 issues and is not cumulative;

11 (8) in case of affirmance or partial affirmance of an  
12 administrative decision which requires the payment of  
13 money, to enter judgment for the amount justified by the  
14 record and for costs, which judgment may be enforced as  
15 other judgments for the recovery of money;

16 (9) when the particular statute under authority of  
17 which the administrative decision was entered requires the  
18 plaintiff to file a satisfactory bond and provides for the  
19 dismissal of the action for the plaintiff's failure to  
20 comply with this requirement unless the court is authorized  
21 by the particular statute to enter, and does enter, an  
22 order imposing a lien upon the plaintiff's property, to  
23 take such proofs and to enter such orders as may be  
24 appropriate to carry out the provisions of the particular  
25 statute. However, the court shall not approve the bond, nor  
26 enter an order for the lien, in any amount which is less

1 than that prescribed by the particular statute under  
2 authority of which the administrative decision was entered  
3 if the statute provides what the minimum amount of the bond  
4 or lien shall be or provides how said minimum amount shall  
5 be determined. No such bond shall be approved by the court  
6 without notice to, and an opportunity to be heard thereon  
7 by, the administrative agency affected. The lien, created  
8 by the entry of a court order in lieu of a bond, shall not  
9 apply to property exempted from the lien by the particular  
10 statute under authority of which the administrative  
11 decision was entered. The lien shall not be effective  
12 against real property whose title is registered under the  
13 provisions of the Registered Titles (Torrens) Act until the  
14 provisions of Section 85 of that Act are complied with.

15 (b) Technical errors in the proceedings before the  
16 administrative agency or its failure to observe the technical  
17 rules of evidence shall not constitute grounds for the reversal  
18 of the administrative decision unless it appears to the court  
19 that such error or failure materially affected the rights of  
20 any party and resulted in substantial injustice to him or her.

21 (c) On motion of either party, the circuit court shall make  
22 findings of fact or state the propositions of law upon which  
23 its judgment is based.

24 (d) The changes to this Section made by this amendatory Act  
25 of the 95th General Assembly apply to all actions filed on or  
26 after the effective date of this amendatory Act of the 95th

1 General Assembly. The changes made by this amendatory Act of  
2 the 99th General Assembly apply to all actions filed on or  
3 after the effective date of this amendatory Act of the 99th  
4 General Assembly.

5 (Source: P.A. 95-831, eff. 8-14-08.)

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