

1 AN ACT concerning certain financial service providers.

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

4 Section 5. The State Finance Act is amended by changing
5 Section 6z-26 as follows:

6 (30 ILCS 105/6z-26)

7 Sec. 6z-26. The Financial Institution Fund. All moneys
8 received by the Department of Financial Institutions under
9 the Safety Deposit License Act, the Foreign Exchange License
10 Act, the Pawnors Societies Act, the Sale of Exchange Act, the
11 Currency Exchange Act, the Sales Finance Agency Act, the Debt
12 Management Service Act, the Consumer Installment Loan Act,
13 the Illinois Development Credit Corporation Act, the Title
14 Insurance Act, and any other Act administered by the
15 Department of Financial Institutions now or in the future
16 (unless an Act specifically provides otherwise) shall be
17 deposited in the Financial Institution Fund (hereinafter
18 "Fund"), a special fund that is hereby created in the State
19 Treasury.

20 Moneys in the Fund shall be used by the Department,
21 subject to appropriation, for expenses incurred in
22 administering the above named and referenced Acts.

23 The Comptroller and the State Treasurer shall transfer
24 from the General Revenue Fund to the Fund any monies received
25 by the Department after June 30, 1993, under any of the above
26 named and referenced Acts that have been deposited in the
27 General Revenue Fund.

28 ~~As--soon-as-possible-after-the-end-of-each-calendar-year,~~
29 ~~the-Comptroller-shall-compare-the-balance-in-the-Fund-at--the~~
30 ~~end--of--the--calendar-year-with-the-amount-appropriated-from~~
31 ~~the-Fund-for-the-fiscal-year-beginning--on--July--1--of--that~~

1 ealendar-year.--If-the-balance-in-the-Fund-exceeds-the-amount
 2 appropriated,--the--Comptroller-and-the-State-Treasurer-shall
 3 transfer-from-the-Fund-to-the-General-Revenue-Fund-an--amount
 4 equal--to--the-difference-between-the-balance-in-the-Fund-and
 5 the-amount-appropriated.

6 Nothing in this Section shall be construed to prohibit
 7 appropriations from the General Revenue Fund for expenses
 8 incurred in the administration of the above named and
 9 referenced Acts.

10 (Source: P.A. 90-545, eff. 1-1-98.)

11 Section 10. The Currency Exchange Act is amended by
 12 changing Sections 3.3, 4, 4.3, 13, 13.1, 14, and 16 as
 13 follows:

14 (205 ILCS 405/3.3) (from Ch. 17, par. 4807)

15 Sec. 3.3. Additional public services.

16 (a) Nothing in this Act shall prevent the Director from
 17 authorizing currency exchanges to render additional services
 18 to the public if the services are consistent with the
 19 provisions of this Act, are within its meaning, are in the
 20 best interest of the public, and benefit the general welfare.

21 (b) Nothing in this Act shall prevent a community
 22 currency exchange from selling candy, gum, other packaged
 23 foods, and soft drinks by means of vending machines on its
 24 premises.

25 (c) Upon the request of any licensee for an
 26 authorization to provide any additional services that require
 27 an authorization under this Section, the Department shall
 28 conduct an investigation pursuant to this Section. The
 29 licensee shall pay to the Department a fee of \$1,000 for the
 30 cost of the investigation.

31 (Source: P.A. 87-258; 88-583, eff. 8-12-94.)

1 (205 ILCS 405/4) (from Ch. 17, par. 4808)

2 Sec. 4. License application; contents; fees. Application
3 for such license shall be in writing under oath and in the
4 form prescribed and furnished by the Director. Each
5 application shall contain the following:

6 (a) The full name and address (both of residence and
7 place of business) of the applicant, and if the applicant is
8 a partnership, limited liability company, or association, of
9 every member thereof, and the name and business address if
10 the applicant is a corporation;

11 (b) The county and municipality, with street and number,
12 if any, where the community currency exchange is to be
13 conducted, if the application is for a community currency
14 exchange license;

15 (c) If the application is for an ambulatory currency
16 exchange license, the name and address of the employer at
17 each location to be served by it; and

18 (d) The applicant's occupation or profession; a detailed
19 statement of his business experience for the 10 years
20 immediately preceding his application; a detailed statement
21 of his finances; his present or previous connection with any
22 other currency exchange; whether he has ever been involved in
23 any civil or criminal litigation, and the material facts
24 pertaining thereto; whether he has ever been committed to any
25 penal institution or admitted to an institution for the care
26 and treatment of mentally ill persons; and the nature of
27 applicant's occupancy of the premises to be licensed where
28 the application is for a community currency exchange license.
29 If the applicant is a partnership, the information specified
30 herein shall be required of each partner. If the applicant is
31 a corporation, the said information shall be required of each
32 officer, director and stockholder thereof along with
33 disclosure of their ownership interests. If the applicant is
34 a limited liability company, the information required by this

1 Section shall be provided with respect to each member and
2 manager along with disclosure of their ownership interests.

3 A community currency exchange license application shall
4 be accompanied by a fee of \$1,000 \$500 for the cost of
5 investigating the applicant. If the ownership of a licensee
6 changes, in whole or in part, a new application must be filed
7 pursuant to this Section along with a \$1,000 \$500 fee if the
8 licensee's ownership interests have been transferred or sold
9 to a new person or entity or a fee of \$300 if the licensee's
10 ownership interests have been transferred or sold to a
11 current holder or holders of the licensee's ownership
12 interests. When the application for a community currency
13 exchange license has been approved by the Director and the
14 applicant so advised, an additional sum of \$750 \$200 as an
15 annual license fee ~~for a period terminating on the last day~~
16 ~~of the current calendar year shall be paid to the Director~~ by
17 the applicant; provided, that the license fee for an
18 applicant applying for such a license after July 1st of any
19 year shall be \$375 \$100 for the balance of such year.

20 An application for an ambulatory currency exchange
21 license shall be accompanied by a fee of \$100, which fee
22 shall be for the cost of investigating the applicant. An
23 approved applicant shall not be required to pay the initial
24 investigation fee of \$100 more than once. When the
25 application for an ambulatory currency exchange license has
26 been approved by the Director, and such applicant so advised,
27 such applicant shall pay an annual license fee of \$25 for
28 each and every location to be served by such applicant;
29 provided that such license fee for an approved applicant
30 applying for such a license after July 1st of any year shall
31 be \$12 for the balance of such year for each and every
32 location to be served by such applicant. Such an approved
33 applicant for an ambulatory currency exchange license, when
34 applying for a license with respect to a particular location,

1 shall file with the Director, at the time of filing an
2 application, a letter of memorandum, which shall be in
3 writing and under oath, signed by the owner or authorized
4 representative of the business whose employees are to be
5 served; such letter or memorandum shall contain a statement
6 that such service is desired, and that the person signing the
7 same is authorized so to do. The Director shall thereupon
8 verify the authenticity of the letter or memorandum and the
9 authority of the person who executed it, to do so.

10 (Source: P.A. 92-398, eff. 1-1-02.)

11 (205 ILCS 405/4.3) (from Ch. 17, par. 4811)

12 Sec. 4.3. Upon receipt of an application from an
13 ambulatory currency exchange for the conduct of its business
14 at a location to be served by it, the Director of Financial
15 Institutions shall cause an investigation to be made to
16 determine whether to issue said license. The applicant shall
17 pay to the Director a fee of \$100 for the cost of the
18 investigation. ~~No fee shall be charged for the investigation~~
19 ~~of an application for a location license.~~ The Director shall
20 employ the following criteria in making his determination:

21 (1) the economic benefit and convenience to the persons
22 to be served at the location for which a license has been
23 requested;

24 (2) the effect that granting a license will have on the
25 financial stability of community currency exchanges;

26 (3) safety benefits, if any, which may accrue from the
27 granting of the location license;

28 (4) the effects, if any, which granting of a license
29 will have on traffic, and traffic congestion in the immediate
30 area of the location to be served;

31 (5) such other factors as the Director shall deem proper
32 and relevant.

33 (Source: P.A. 85-1356.)

1 (205 ILCS 405/13) (from Ch. 17, par. 4821)

2 Sec. 13. Number of licenses; change of name or location.

3 No more than one place of business shall be maintained under
4 the same community currency exchange license, but the
5 Director may issue more than one license to the same licensee
6 upon compliance with the provisions of this Act governing an
7 original issuance of a license, for each new license.

8 Whenever a community currency exchange or an ambulatory
9 currency exchange shall wish to change its name in its
10 license, it shall file an application for approval thereof
11 with the Director, along with an application fee of \$200, and
12 if the change is approved by the Director he shall attach to
13 the license, in writing, a rider stating the licensee's new
14 name.

15 If an ambulatory currency exchange has serviced a
16 licensed location for 2 years or longer and the employer
17 whose employees are served at that location has moved his
18 place of business, the currency exchange may continue its
19 service to the employees of that employer at the new address
20 of that employer's place of business by filing a notice of
21 the change of address with the Director and by relinquishing
22 its license to conduct its business at the employer's old
23 address upon receipt of a license to conduct its business at
24 the employer's new address. Nothing in this Act shall
25 preclude or prevent an ambulatory currency exchange from
26 filing an application to conduct its business at the old
27 address of an employer who moved his place of business after
28 the ambulatory currency exchange receives a license to
29 conduct its business at the employer's new address through
30 the filing of a notice of its change of address with the
31 Director and the relinquishing of its license to conduct its
32 business at the employer's old address.

33 Whenever a currency exchange wishes to make any other
34 change in the address set forth in any of its licenses, it

1 shall apply to the Director for approval of such change of
2 address. Every application for approval of a change of
3 address shall be treated by the Director in the same manner
4 as is otherwise provided in this Act for the treatment of
5 proposed places of business or locations as contained in new
6 applications for licenses; and if any fact or condition then
7 exists with respect to the application for change of address,
8 which fact or condition would otherwise authorize denial of a
9 new application for a license because of the address of the
10 proposed location or place of business, then such application
11 for change of address shall not be approved. Whenever a
12 community currency exchange wishes to sell its physical
13 assets, it may do so, however, if the assets are sold with
14 the intention of continuing the operation of a community
15 currency exchange, the purchaser or purchasers must first
16 make application to the Director for licensure in accordance
17 with Sections 4 and 10 of this Act. If the Director shall
18 not so approve, he shall not issue such license and shall
19 notify the applicant or applicants of such denial. The
20 investigation fee for a change of location shall be \$1,000
21 ~~\$75-on-September-22, 1987-and-until-July-1, 1988, and-\$125-on~~
22 ~~July--1,--1988--and-until-July-1, 1989, and-\$150-on-and-after~~
23 ~~July-1, 1989.~~

24 The provisions of Section 10 with reference to notice,
25 hearing and review apply to applications filed pursuant to
26 this Section.

27 (Source: P.A. 85-1209.)

28 (205 ILCS 405/13.1) (from Ch. 17, par. 4822)

29 Sec. 13.1. Consolidation of business locations. Whenever
30 2 or more licensees desire to consolidate their places of
31 business, they shall make application for such consolidation
32 to the Director upon a form provided by him. The application
33 shall be accompanied by a fee of \$200. This application

1 shall state: (a) the name to be adopted and the location at
2 which the business is to be located, which name and location
3 shall be the same as one of the consolidating licensees; (b)
4 that the owners or all partners or all stockholders or all
5 members, as the case may be, of the licensees involved in the
6 contemplated consolidation, have approved the application;
7 (c) a certification by the secretary, if any of the licensees
8 be corporations, that the contemplated consolidation has been
9 approved by all of the stockholders at a properly convened
10 stockholders meeting; (d) other relevant information the
11 Director may require. Simultaneously with the approval of the
12 application by the Director, the licensee or licensees who
13 will cease doing business shall: (a) surrender their license
14 or licenses to the Director; (b) transfer all of their assets
15 and liabilities to the licensee continuing to operate by
16 virtue of the application; (c) apply to the Secretary of
17 State, if they be corporations, for surrender of their
18 corporate charter in accordance with the provisions of the
19 Business Corporation Act of 1983.

20 An application for consolidation shall be approved or
21 rejected by the Director within 30 days after receipt by him
22 of such application and supporting documents required
23 thereunder.

24 Such consolidation shall not affect suits pending in
25 which the surrendering licensees are parties; nor shall such
26 consolidation affect causes of action nor the rights of
27 persons in particular; nor shall suits brought against such
28 licensees in their former names be abated for that cause.

29 Nothing contained herein shall limit or prohibit any
30 action or remedy available to a licensee or to the Director
31 under Sections 15, 15.1 to 15.1e or 15.2 of this Act.

32 (Source: P.A. 90-545, eff. 1-1-98.)

33 (205 ILCS 405/14) (from Ch. 17, par. 4823)

1 Sec. 14. Every licensee, shall, on or before November 15,
 2 pay to the Director the annual license fee or fees for the
 3 next succeeding calendar year and shall at the same time file
 4 with the Director the annual report required by Section 16 of
 5 this Act, and the annual bond or bonds, and the insurance
 6 policy or policies as and if required by this Act. The annual
 7 license fee for each community currency exchange shall be
 8 \$750 ~~\$150--on--the--effective--date--of--this--amendatory--Act--of~~
 9 ~~1987--and--until--January--17--1989,--and--\$180--on--January--17--1989~~
 10 ~~and--until--January--17--1990,--and--\$200--on--and--after--January--17~~
 11 ~~1990.~~ The annual license fee for each location served by an
 12 ambulatory currency exchange shall be \$25.

13 (Source: P.A. 85-708.)

14 (205 ILCS 405/16) (from Ch. 17, par. 4832)

15 Sec. 16. Annual report; investigation; costs. Each
 16 licensee shall annually, on or before the 1st day of March,
 17 file a report with the Director for the calendar year period
 18 from January 1st through December 31st, except that the
 19 report filed on or before March 15, 1990 shall cover the
 20 period from October 1, 1988 through December 31, 1989, (which
 21 shall be used only for the official purposes of the Director)
 22 giving such relevant information as the Director may
 23 reasonably require concerning, and for the purpose of
 24 examining, the business and operations during the preceding
 25 fiscal year period of each licensed currency exchange
 26 conducted by such licensee within the State. Such report
 27 shall be made under oath and shall be in the form prescribed
 28 by the Director, and the Director may at any time and shall
 29 at least once every two years ~~in-each--year~~ investigate the
 30 currency exchange business of any licensee and of every
 31 person, partnership, association, limited liability company,
 32 and corporation who or which shall be engaged in the business
 33 of operating a currency exchange. For that purpose, the

1 Director shall have free access to the offices and places of
2 business and to such records of all such persons, firms,
3 partnerships, associations, limited liability companies and
4 members thereof, and corporations and to the officers and
5 directors thereof that shall relate to such currency exchange
6 business. The investigation may be conducted in conjunction
7 with representatives of other State agencies or agencies of
8 another state or of the United States as determined by the
9 Director. The Director may at any time inspect the locations
10 served by an ambulatory currency exchange, for the purpose of
11 determining whether such currency exchange is complying with
12 the provisions of this Act at each location served. The
13 Director may require by subpoena the attendance of and
14 examine under oath all persons whose testimony he may require
15 relative to such business, and in such cases the Director, or
16 any qualified representative of the Director whom the
17 Director may designate, may administer oaths to all such
18 persons called as witnesses, and the Director, or any such
19 qualified representative of the Director, may conduct such
20 examinations, and there shall be paid to the Director for
21 each such examination a fee of \$500 \$150 for each day or part
22 thereof for each qualified representative designated and
23 required to conduct the examination; provided, however, that
24 in the case of an ambulatory currency exchange, such fee
25 shall be \$150 \$75 for each day or part thereof and shall not
26 be increased by reason of the number of locations served by
27 it.

28 (Source: P.A. 92-398, eff. 1-1-02.)

29 Section 15. The Transmitters of Money Act is amended by
30 changing Sections 5 and 45 as follows:

31 (205 ILCS 657/5)

32 Sec. 5. Definitions. As used in this Act, unless the

1 context otherwise requires, the words and phrases defined in
2 this Section have the meanings set forth in this Section.

3 "Authorized seller" means a person not an employee of a
4 licensee who engages in the business regulated by this Act on
5 behalf of a licensee under a contract between that person and
6 the licensee.

7 "Bill payment service" means the business of transmitting
8 money on behalf of an Illinois resident for the purpose of
9 paying the resident's bills.

10 "Controlling person" means a person owning or holding the
11 power to vote 25% or more of the outstanding voting
12 securities of a licensee or the power to vote the securities
13 of another controlling person of the licensee. For purposes
14 of determining the percentage of a licensee controlled by a
15 controlling person, the person's interest shall be combined
16 with the interest of any other person controlled, directly or
17 indirectly, by that person or by a spouse, parent, or child
18 of that person.

19 "Department" means the Department of Financial
20 Institutions.

21 "Director" means the Director of Financial Institutions.

22 "Licensee" means a person licensed under this Act.

23 "Location" means a place of business at which activity
24 regulated by this Act occurs.

25 "Material litigation" means any litigation that,
26 according to generally accepted accounting principles, is
27 deemed significant to a licensee's financial health and would
28 be required to be referenced in a licensee's annual audited
29 financial statements, reports to shareholders, or similar
30 documents.

31 "Money" means a medium of exchange that is authorized or
32 adopted by a domestic or foreign government as a part of its
33 currency and that is customarily used and accepted as a
34 medium of exchange in the country of issuance.

1 "Money transmitter" means a person who is located in or
2 doing business in this State and who directly or through
3 authorized sellers does any of the following in this State:

4 (1) Sells or issues payment instruments.

5 (2) Engages in the business of receiving money for
6 transmission or transmitting money.

7 (3) Engages in the business of exchanging, for
8 compensation, money of the United States Government or a
9 foreign government to or from money of another
10 government.

11 "Outstanding payment instrument" means, unless otherwise
12 treated by or accounted for under generally accepted
13 accounting principles on the books of the licensee, a payment
14 instrument issued by the licensee that has been sold in the
15 United States directly by the licensee or has been sold in
16 the United States by an authorized seller of the licensee and
17 reported to the licensee as having been sold, but has not
18 been paid by or for the licensee.

19 "Payment instrument" means a check, draft, money order,
20 traveler's check, stored value card, or other instrument or
21 memorandum, written order or written receipt for the
22 transmission or payment of money sold or issued to one or
23 more persons whether or not that instrument or order is
24 negotiable. Payment instrument does not include an
25 instrument that is redeemable by the issuer in merchandise or
26 service, a credit card voucher, or a letter of credit. A
27 written order for the transmission or payment of money that
28 results in the issuance of a check, draft, money order,
29 traveler's check, or other instrument or memorandum is not a
30 payment instrument.

31 "Person" means an individual, partnership, association,
32 joint stock association, corporation, or any other form of
33 business organization.

34 "Transmitting money" means the transmission of money by

1 any means, including transmissions to or from locations
2 within the United States or to and from locations outside of
3 the United States by payment instrument, facsimile or
4 electronic transfer, or otherwise, and includes bill payment
5 services.

6 (Source: P.A. 92-400, eff. 1-1-02.)

7 (205 ILCS 657/45)

8 Sec. 45. Fees.

9 (a) The Director shall charge and collect fees, which
10 shall be nonrefundable unless otherwise indicated, in
11 accordance with the provisions of this Act as follows:

12 (1) For applying for a license, an application fee
13 of ~~\$300~~ \$100 and a license fee, which shall be refunded
14 if the application is denied or withdrawn, of ~~\$300~~ \$100
15 plus ~~\$15~~ \$10 for each location at which the applicant and
16 its authorized sellers are conducting business or propose
17 to conduct business excepting the applicant's principal
18 place of business.

19 (2) For renewal of a license, a fee of ~~\$300~~ \$100
20 plus ~~\$15~~ \$10 for each location at which the licensee and
21 its authorized sellers are conducting business, except
22 the licensee's principal place of business.

23 (3) For an application to add an authorized seller
24 location, ~~\$15~~ \$10 for each authorized seller location.

25 (4) For service of process or other notice upon the
26 Director as provided by Section 100, a fee of ~~\$15~~ \$10.

27 (5) For an application for renewal of a license
28 received by the Department after December 1, a penalty
29 fee of ~~\$100~~ \$10 per day for each day after December 1 in
30 addition to any other fees required under this Act unless
31 an extension of time has been granted by the Director.

32 (6) For failure to submit financial statements as
33 required by Section 40, a penalty fee of ~~\$100~~ \$10 per day

1 for each day the statement is late unless an extension of
2 time has been granted by the Director.

3 (b) Beginning one year after the effective date of this
4 Act, the Director may, by rule, amend the fees set forth in
5 this Section.

6 (c) All moneys received by the Department under this Act
7 shall be deposited into the Financial Institutions Fund.

8 (Source: P.A. 92-400, eff. 1-1-02.)

9 Section 20. The Sales Finance Agency Act is amended by
10 changing Sections 2, 4, and 6 as follows:

11 (205 ILCS 660/2) (from Ch. 17, par. 5202)

12 Sec. 2. Definitions. In this Act, unless the context
13 otherwise requires:

14 "Sales finance agency" means a person, irrespective of
15 his or her state of domicile or place of business, engaged in
16 this State, in whole or in part, in the business of
17 purchasing, or making loans secured by, retail installment
18 contracts, retail charge agreements or the outstanding
19 balances under such contracts or agreements entered into in
20 this State.

21 "Holder" of a retail installment contract or a retail
22 charge agreement means the retail seller of the goods or
23 services under the contract or charge agreement, or if the
24 outstanding balances thereunder are purchased by or
25 transferred as security to a sales finance agency or other
26 assignee, the sales finance agency or other assignee.

27 "Person" means an individual, corporation, partnership,
28 limited liability company, joint venture, or any other form
29 of business association.

30 "Department" means the Department of Financial
31 Institutions.

32 "Director" means the Director of Financial Institutions.

1 "Motor Vehicle Retail Installment Sales Act" and "Retail
2 Installment Sales Act" refer to the Acts having those titles
3 enacted by the 75th General Assembly.

4 "Retail installment contract" and "retail charge
5 agreement" have the meanings ascribed to them in the Motor
6 Vehicle Retail Installment Sales Act and the Retail
7 Installment Sales Act.

8 "Special purpose vehicle" means an entity that, in
9 connection with a securitization, private placement, or
10 similar type of investment transaction, is administered by a
11 State or national bank under a management agreement for the
12 purpose of purchasing, making loans against, or in pools of,
13 receivables, general intangibles, and other financial assets
14 including retail installment contracts, retail charge
15 agreements, or the outstanding balances or any portion of the
16 outstanding balances under those contracts or agreements.

17 "Net Worth" means total assets minus total liabilities.

18 "Controlling person" means a person owning or holding the
19 power to vote 25% or more of the outstanding voting
20 securities of a licensee or the power to vote the securities
21 of another controlling person of the licensee. For the
22 purpose of determining the percentage of a licensee
23 controlled by a controlling person, the person's interest
24 shall be combined with the interest of any other person
25 controlled, directly or indirectly, by that person or by a
26 spouse, parent, or child of that person.

27 (Source: P.A. 89-400, eff. 8-20-95; 90-437, eff. 1-1-98.)

28 (205 ILCS 660/4) (from Ch. 17, par. 5204)

29 Sec. 4. Display of license; application. After December
30 31, 1967, a person who is required to be licensed under this
31 Act must display at each of his places of business a
32 non-transferable and non-assignable license. A licensee who
33 operates more than one place of business may obtain

1 additional licenses upon compliance with this Act as to each
 2 place of business. Application for a license must be on a
 3 form prescribed and furnished by the Department. A licensee
 4 may move his place or places of business from one location to
 5 another within a county without obtaining a new license if he
 6 gives the Department at least 10 days' prior written notice
 7 of the relocation.

8 A licensee that is a publicly traded corporation or a
 9 subsidiary of a publicly traded corporation or a non-publicly
 10 traded corporation must notify the Director within 15 days
 11 after a person becomes a controlling person. Upon
 12 notification, the Director may require all information he or
 13 she considers necessary to determine if a new application is
 14 required. A licensee that is an entity other than a
 15 corporation shall submit a new application to the Director
 16 seeking prior approval whenever a person proposes to become a
 17 controlling person or acquire an ownership interest.

18 (Source: P.A. 90-437, eff. 1-1-98.)

19 (205 ILCS 660/6) (from Ch. 17, par. 5206)

20 Sec. 6. Application must be submitted in the form
 21 prescribed by the Director. An applicant shall at the time
 22 of making an application pay to the Department the sum of
 23 \$600 as a fee for investigating the applicant along with the
 24 additional sum of \$600 as an annual license fee, for a period
 25 terminating on the last day of the current calendar year. If
 26 the application for license is denied, the original
 27 application fee shall be retained by the State in
 28 reimbursement of its costs of investigating that application,
 29 and the annual license fee shall be returned to the
 30 applicant. A--license--fee--of--\$300--for--the--applicant's
 31 principal-place-of-business--and--\$100--for--each--additional
 32 place--of--business--for--which--a--license-is-sought-must-be
 33 submitted-with-an-application-for-license-made-before-July--1

1 of--any-year.--If-application-for-a-license-is-made-on-July-1
 2 or-thereafter,-a-license-fee-of-\$150-for-the-principal--place
 3 of--business-and-of-\$50-for-each-additional-place-of-business
 4 must-accompany-the--application,---Each--license--remains--in
 5 force--until--surrendered,-suspended,-or--revoked,---If-the
 6 application-for-license-is-denied,-the-original--license--fee
 7 shall--be-retained-by-the-State-in-reimbursement-of-its-costs
 8 of-investigating-that-application.

9 Before the license is granted, the applicant shall prove
 10 in form satisfactory to the Director, that the applicant has
 11 a positive net worth of a minimum of \$30,000.

12 A licensee must pay to the Department, by December 1 of
 13 each year, \$600 for each license held as a renewal license
 14 fee for the succeeding calendar year. Failure to pay the
 15 license fee within the time prescribed automatically revokes
 16 renewal of the license.

17 A-licensee-must-pay-to-the-Department,-and-the-Department
 18 must-receive,-by-December-1-of-each-year,-the-renewal-license
 19 application-on-forms-prescribed-by-the-Director-and-\$300--for
 20 the--license-for-his-principal-place-of-business-and-\$100-for
 21 each-additional-license-held-as-a-renewal-license-fee-for-the
 22 succeeding-calendar-year.

23 (Source: P.A. 92-398, eff. 1-1-02.)

24 Section 25. The Debt Management Service Act is amended
 25 by changing Sections 4, 6, and 16 as follows:

26 (205 ILCS 665/4) (from Ch. 17, par. 5304)

27 Sec. 4. Application for license. Application for a
 28 license to engage in the debt management service business in
 29 this State shall be made to the Director and shall be in
 30 writing, under oath, and in the form prescribed by the
 31 Director.

32 Each applicant, at the time of making such application,

1 shall pay to the Director the sum of \$100 ~~\$30.00~~ as a fee for
2 investigation of the applicant, and the additional sum of
3 \$200 ~~\$100.00~~ as a license fee.

4 Every applicant shall submit to the Director, at the time
5 of the application for a license, a bond to be approved by
6 the Director in which the applicant shall be the obligor, in
7 the sum of \$25,000 or such additional amount as required by
8 the Director based on the amount of disbursements made by the
9 licensee in the previous year, and in which an insurance
10 company, which is duly authorized by the State of Illinois,
11 to transact the business of fidelity and surety insurance
12 shall be a surety.

13 The bond shall run to the Director for the use of the
14 Department or of any person or persons who may have a cause
15 of action against the obligor in said bond arising out of any
16 violation of this Act or rules by a licensee. Such bond shall
17 be conditioned that the obligor will faithfully conform to
18 and abide by the provisions of this Act and of all rules,
19 regulations and directions lawfully made by the Director and
20 will pay to the Director or to any person or persons any and
21 all money that may become due or owing to the State or to
22 such person or persons, from said obligor under and by virtue
23 of the provisions of this Act.

24 (Source: P.A. 92-400, eff. 1-1-02.)

25 (205 ILCS 665/6) (from Ch. 17, par. 5306)

26 Sec. 6. Renewal of license. Each licensee under the
27 provisions of this Act may make application to the Director
28 for renewal of its license, which application for renewal
29 shall be on the form prescribed by the Director and shall be
30 accompanied by a fee of \$200 ~~\$100.00~~ together with a bond or
31 other surety as required, in a minimum amount of \$25,000 or
32 such an amount as required by the Director based on the
33 amount of disbursements made by the licensee in the previous

1 year. The application must be received by the Department no
2 later than December 1 of the year preceding the year for
3 which the application applies.

4 (Source: P.A. 92-400, eff. 1-1-02.)

5 (205 ILCS 665/16) (from Ch. 17, par. 5319)

6 Sec. 16. Penalties.

7 (a) Any person who engages in the business of debt
8 management service without a license shall be guilty of a
9 Class 4 felony.

10 (b) Any provision pertaining to client fees in any
11 contract of debt management service as defined in this Act,
12 made by an unlicensed person, shall be null and void and of
13 no legal effect.

14 (c) The Director may impose upon a licensee a civil
15 penalty not exceeding \$10,000 per set--by--rule-monetary
16 penalties-fer violation of this Act.

17 (Source: P.A. 90-545, eff. 1-1-98.)

18 Section 30. The Consumer Installment Loan Act is amended
19 by changing Sections 2, 4, 12, and 12.5 as follows:

20 (205 ILCS 670/2) (from Ch. 17, par. 5402)

21 Sec. 2. Application; fees; positive net worth.
22 Application for such license shall be in writing, and in the
23 form prescribed by the Director. Such applicant at the time
24 of making such application shall pay to the Director the sum
25 of \$600 \$300 as an application fee and the additional sum of
26 \$600 \$300 as an annual license fee, for a period terminating
27 on the last day of the current calendar year;--provided--that
28 ~~if-the-application-is-filed-after-June-30th-in-any-year,~~ such
29 ~~license--fee--shall-be-1/2-of-the-annual-license-fee-for-such~~
30 year.

31 Before the license is granted, every applicant shall

1 prove in form satisfactory to the Director that the applicant
2 has and will maintain a positive net worth of a minimum of
3 \$30,000. Every applicant and licensee shall maintain a
4 surety bond in the principal sum of \$25,000 issued by a
5 bonding company authorized to do business in this State and
6 which shall be approved by the Director. Such bond shall run
7 to the Director and shall be for the benefit of any consumer
8 who incurs damages as a result of any violation of the Act or
9 rules by a licensee. If the Director finds at any time that
10 a bond is of insufficient size, is insecure, exhausted, or
11 otherwise doubtful, an additional bond in such amount as
12 determined by the Director shall be filed by the licensee
13 within 30 days after written demand therefor by the Director.
14 "Net worth" means total assets minus total liabilities.

15 A licensee that is a publicly traded corporation or a
16 subsidiary of a publicly traded corporation or a non-publicly
17 traded corporation must notify the Director within 15 days
18 after a person becomes a controlling person. Upon
19 notification, the Director may require all information he or
20 she considers necessary to determine if a new application is
21 required. A licensee that is an entity other than a
22 corporation shall submit a new application to the Director
23 seeking prior approval whenever a person proposes to become a
24 controlling person or acquire an ownership interest.

25 (Source: P.A. 92-398, eff. 1-1-02.)

26 (205 ILCS 670/4) (from Ch. 17, par. 5404)

27 Sec. 4. Investigation to determine whether license shall
28 be issued. Upon the filing of an application and the payment
29 of the fee, the Director shall investigate to determine (1)
30 that the reputation of the applicant, including managers of a
31 limited liability company, partners, owners, officers or
32 directors thereof is such as to warrant belief that the
33 business will be operated honestly and fairly within the

1 purposes of this Act and (2) that the applicant meets the
 2 positive net worth requirement set forth in Section 2 of this
 3 Act. Unless the Director makes findings hereinabove
 4 enumerated, he or she shall not issue a license and shall
 5 notify the applicant of the denial and return to the
 6 applicant the sum paid by the applicant as a license fee, but
 7 shall retain the ~~\$600~~ \$300 application fee. The Director
 8 shall approve or deny every application for license hereunder
 9 within 60 days from the filing thereof with the fee.

10 (Source: P.A. 90-437, eff. 1-1-98; 90-575, eff. 3-20-98.)

11 (205 ILCS 670/12) (from Ch. 17, par. 5412)

12 Sec. 12. Other business.

13 (a) Upon application by the licensee, payment of a \$100
 14 investigation fee, and approval by the Director, the Director
 15 may approve the conduct of other businesses not specifically
 16 permitted by this Act in the licensee's place of business,
 17 unless the Director finds that such conduct will conceal or
 18 facilitate evasion or violation of this Act. Such approval
 19 shall be in writing and shall describe the other businesses
 20 which may be conducted in the licensed office. The approval
 21 for the other business must be renewed concurrently with the
 22 renewal of the licensee's license. A licensee must pay a
 23 renewal fee of \$25 for the renewal of approval of each other
 24 business conducted at the licensee's place of business.

25 (b) A licensee may without notice to and approval of the
 26 Director, in addition to the business permitted by this Act,
 27 conduct the following business:

28 (1) The business of a sales finance agency as
 29 defined in the Sales Finance Agency Act.

30 (2) The business of soliciting or selling any type
 31 of insurance provided that all such insurance
 32 transactions are conducted in accordance with and are
 33 regulated under the Illinois Insurance Code.

1 (3) The business of financing premiums for
2 insurance.

3 (4) Making loans pursuant to the Financial Services
4 Development Act.

5 The Director shall make and enforce such reasonable rules and
6 regulations for the conduct of business under this Act in the
7 same office with other businesses as may be necessary to
8 prevent evasions or violations of this Act. The Director may
9 investigate any business conducted in the licensed office to
10 determine whether any evasion or violation of this Act has
11 occurred.

12 (Source: P.A. 90-437, eff. 1-1-98.)

13 (205 ILCS 670/12.5)

14 Sec. 12.5. Limited purpose branch.

15 (a) Upon the written approval of the Director, a
16 licensee may maintain a limited purpose branch for the sole
17 purpose of making loans as permitted by this Act. A limited
18 purpose branch may include an automatic loan machine. No
19 other activity shall be conducted at the site, including but
20 not limited to, accepting payments, servicing the accounts,
21 or collections.

22 (b) The licensee must submit an application for a
23 limited purpose branch to the Director on forms prescribed by
24 the Director with an application fee of \$600 ~~\$300~~. The
25 approval for the limited purpose branch must be renewed
26 concurrently with the renewal of the licensee's license along
27 with a renewal fee of \$600 ~~\$300~~ for the limited purpose
28 branch.

29 (c) The books, accounts, records, and files of the
30 limited purpose branch's transactions shall be maintained at
31 the licensee's licensed location. The licensee shall notify
32 the Director of the licensed location at which the books,
33 accounts, records, and files shall be maintained.

1 (d) The licensee shall prominently display at the
2 limited purpose branch the address and telephone number of
3 the licensee's licensed location.

4 (e) No other business shall be conducted at the site of
5 the limited purpose branch unless authorized by the Director.

6 (f) The Director shall make and enforce reasonable rules
7 for the conduct of a limited purpose branch.

8 (g) A limited purpose branch may not be located within
9 1,000 feet of a facility operated by an inter-track wagering
10 licensee or an organization licensee subject to the Illinois
11 Horse Racing Act of 1975, on a riverboat subject to the
12 Riverboat Gambling Act, or within 1,000 feet of the location
13 at which the riverboat docks.

14 (Source: P.A. 90-437, eff. 1-1-98.)

15 Section 35. The Safety Deposit License Act is amended by
16 changing Section 23 as follows:

17 (240 ILCS 5/23) (from Ch. 17, par. 1473)

18 Sec. 23. Inspection; revocation of license. The Director,
19 by his agents, shall inspect at least once in each license
20 period, the license, safety deposit boxes, safes, vault or
21 other facilities furnished by the licensee.

22 The Director, by his agents, may conduct an examination
23 for the purpose of verifying that the licensee has taken
24 necessary action to correct violations of the Act or related
25 rules and shall charge the licensee \$550 for each examiner
26 day or portion thereof.

27 If the Director finds that the licensee is not complying
28 with the provisions of this Act he may revoke the license of
29 the licensee, and the licensee shall not be eligible for a
30 license hereunder for a period of 6 ~~six~~ months following the
31 date of revocation.

32 The Director shall keep in his office a permanent record

1 of all inspections made, and such record shall be available
2 to the public.

3 (Source: Laws 1967, p. 1668.)