

AN ACT concerning business.

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

Section 1. Public policy. The practice of electronic filing of documents with the Secretary of State's Office is salutary and should be encouraged. Electronic filing reduces errors, saves paper, and saves money. As such, the people of Illinois and their nonprofits and businesses should not be charged extra fees to electronically file over and above what they would be charged if they file in person at the Secretary of State's Office. During this transition period where the Secretary of State's Office moves more of its customers to electronic filing with no extra fee, sufficient funds to operate the Office should also be ensured.

Section 5. The Secretary of State Act is amended by adding Section 18 as follows:

(15 ILCS 305/18 new)

Sec. 18. Electronic Filing Supplemental Deposits into Department of Business Services Special Operations Fund. When a submission to the Secretary of State is made electronically, but does not include a request for expedited services, pursuant to the provisions of this amendatory Act of the 100th General

Assembly up to \$25 for each such transaction under the General Not For Profit Corporation Act of 1986 and up to \$50 from each such transaction under the Business Corporation Act of 1983, the Limited Liability Company Act, or the Uniform Limited Partnership Act (2001) shall be deposited into the Department of Business Services Special Operations Fund, and the remainder of any fee deposited into the General Revenue Fund. However, in no circumstance may the supplemental deposits provided by this Section cause the total deposits into the Special Operations Fund in any fiscal year from electronic submissions under the Business Corporation Act of 1983, the General Not For Profit Corporation Act of 1986, the Limited Liability Company Act, the Uniform Partnership Act (1997), and the Uniform Limited Partnership Act (2001), whether or not for expedited services, to exceed \$11,326,225. The Secretary of State has the authority to adopt rules necessary to implement this Section, in accordance with the Illinois Administrative Procedure Act. This Section does not apply on or after July 1, 2021.

Section 10. The Business Corporation Act of 1983 is amended by changing Section 15.95 as follows:

(805 ILCS 5/15.95) (from Ch. 32, par. 15.95)

Sec. 15.95. Department of Business Services Special Operations Fund.

(a) A special fund in the State treasury known as the

Division of Corporations Special Operations Fund is renamed the Department of Business Services Special Operations Fund. Moneys deposited into the Fund shall, subject to appropriation, be used by the Department of Business Services of the Office of the Secretary of State, hereinafter "Department", to create and maintain the capability to perform expedited services in response to special requests made by the public for same day or 24 hour service. Moneys deposited into the Fund shall be used for, but not limited to, expenditures for personal services, retirement, social security, contractual services, equipment, electronic data processing, and telecommunications.

(b) On or before August 31 of each year, the balance in the Fund in excess of \$600,000 shall be transferred to the General Revenue Fund.

(c) All fees payable to the Secretary of State under this Section shall be deposited into the Fund. No other fees or taxes collected under this Act shall be deposited into the Fund.

(d) "Expedited services" means services rendered within the same day, or within 24 hours from the time, the request therefor is submitted by the filer, law firm, service company, or messenger physically in person or, at the Secretary of State's discretion, by electronic means, to the Department's Springfield Office and includes requests for certified copies, photocopies, and certificates of good standing or fact made to the Department's Springfield Office in person or by telephone,

or requests for certificates of good standing or fact made in person or by telephone to the Department's Chicago Office. A request submitted by electronic means may not be considered a request for expedited services solely because of its submission by electronic means, unless expedited service is requested by the filer.

(e) Fees for expedited services shall be as follows:

Restatement of articles, \$200;

Merger, consolidation or exchange, \$200;

Articles of incorporation, \$100;

Articles of amendment, \$100;

Revocation of dissolution, \$100;

Reinstatement, \$100;

Application for authority, \$100;

Cumulative report of changes in issued shares or paid-in capital, \$100;

Report following merger or consolidation, \$100;

Certificate of good standing or fact, \$20;

All other filings, copies of documents, annual reports filed on or after January 1, 1984, and copies of documents of dissolved or revoked corporations having a file number over 5199, \$50.

(f) Expedited services shall not be available for a statement of correction, a petition for refund or adjustment, or a request involving annual reports filed before January 1, 1984 or involving dissolved corporations with a file number

below 5200.

(Source: P.A. 99-620, eff. 1-1-17.)

Section 15. The Limited Liability Company Act is amended by changing Section 50-50 as follows:

(805 ILCS 180/50-50)

Sec. 50-50. Department of Business Services Special Operations Fund.

(a) A special fund in the State treasury is created and shall be known as the Department of Business Services Special Operations Fund. Moneys deposited into the Fund shall, subject to appropriation, be used by the Department of Business Services of the Office of the Secretary of State, hereinafter "Department", to create and maintain the capability to perform expedited services in response to special requests made by the public for same-day or 24-hour service. Moneys deposited into the Fund shall be used for, but not limited to, expenditures for personal services, retirement, Social Security, contractual services, equipment, electronic data processing, and telecommunications.

(b) The balance in the Fund at the end of any fiscal year shall not exceed \$600,000, and any amount in excess thereof shall be transferred to the General Revenue Fund.

(c) All fees payable to the Secretary of State under this Section shall be deposited into the Fund. No other fees or

charges collected under this Act shall be deposited into the Fund.

(d) "Expedited services" means services rendered within the same day, or within 24 hours from the time, the request therefor is submitted by the filer, law firm, service company, or messenger physically in person or, at the Secretary of State's discretion, by electronic means, to the Department's Springfield Office and includes requests for certified copies, photocopies, and certificates of good standing made to the Department's Springfield Office in person or by telephone, or requests for certificates of good standing made in person or by telephone to the Department's Chicago Office. A request submitted by electronic means may not be considered a request for expedited services solely because of its submission by electronic means, unless expedited service is requested by the filer.

(e) Fees for expedited services shall be as follows:

Restated articles of organization, \$200;

Merger or conversion, \$200;

Articles of organization, \$100;

Articles of amendment, \$100;

Reinstatement, \$100;

Application for admission to transact business, \$100;

Certificate of good standing or abstract of computer record, \$20;

All other filings, copies of documents, annual reports, and

copies of documents of dissolved or revoked limited liability companies, \$50.

(Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 9-1-03.)

Section 20. The Uniform Partnership Act (1997) is amended by changing Section 108 as follows:

(805 ILCS 206/108)

Sec. 108. Fees.

(a) The Secretary of State shall charge and collect in accordance with the provisions of this Act and rules promulgated under its authority:

- (1) fees for filing documents;
- (2) miscellaneous charges; and
- (3) fees for the sale of lists of filings and for copies of any documents.

(b) The Secretary of State shall charge and collect:

- (1) for furnishing a copy or certified copy of any document, instrument, or paper relating to a registered limited liability partnership, \$25;
- (2) for the transfer of information by computer process media to any purchaser, fees established by rule;
- (3) for filing a statement of partnership authority, \$25;
- (4) for filing a statement of denial, \$25;
- (5) for filing a statement of dissociation, \$25;

(6) for filing a statement of dissolution, \$100;

(7) for filing a statement of merger, \$100;

(8) for filing a statement of qualification for a limited liability partnership organized under the laws of this State, \$100 for each partner, but in no event shall the fee be less than \$200 or exceed \$5,000;

(9) for filing a statement of foreign qualification, \$500;

(10) for filing a renewal statement for a limited liability partnership organized under the laws of this State, \$100 for each partner, but in no event shall the fee be less than \$200 or exceed \$5,000;

(11) for filing a renewal statement for a foreign limited liability partnership, \$300;

(12) for filing an amendment or cancellation of a statement, \$25;

(13) for filing a statement of withdrawal, \$100;

(14) for the purposes of changing the registered agent name or registered office, or both, \$25;

(15) for filing an application for reinstatement, \$200;

(16) for filing any other document, \$25.

(c) All fees collected pursuant to this Act shall be deposited into the Division of Corporations Registered Limited Liability Partnership Fund.

(d) There is hereby continued in the State treasury a

special fund to be known as the Division of Corporations Registered Limited Liability Partnership Fund. Moneys deposited into the Fund shall, subject to appropriation, be used by the Business Services Division of the Office of the Secretary of State to administer the responsibilities of the Secretary of State under this Act. On or before August 31 of each year, the balance in the Fund in excess of \$200,000 shall be transferred to the General Revenue Fund.

(e) Filings, including annual reports, made by electronic means shall be treated as if submitted in person and may not be charged excess fees as expedited services solely because of submission by electronic means.

(Source: P.A. 99-620, eff. 1-1-17; 99-933, eff. 1-27-17; revised 2-2-17.)

Section 25. The Uniform Limited Partnership Act (2001) is amended by changing Section 1308 as follows:

(805 ILCS 215/1308)

Sec. 1308. Department of Business Services Special Operations Fund.

(a) A special fund in the State Treasury is created and shall be known as the Department of Business Services Special Operations Fund. Moneys deposited into the Fund shall, subject to appropriation, be used by the Department of Business Services of the Office of the Secretary of State, hereinafter

"Department", to create and maintain the capability to perform expedited services in response to special requests made by the public for same day or 24 hour service. Moneys deposited into the Fund shall be used for, but not limited to, expenditures for personal services, retirement, Social Security, contractual services, equipment, electronic data processing, and telecommunications.

(b) The balance in the Fund at the end of any fiscal year shall not exceed \$600,000 and any amount in excess thereof shall be transferred to the General Revenue Fund.

(c) All fees payable to the Secretary of State under this Section shall be deposited into the Fund. No other fees or charges collected under this Act shall be deposited into the Fund.

(d) "Expedited services" means services rendered within the same day, or within 24 hours from the time the request therefor is submitted by the filer, law firm, service company, or messenger physically in person or, at the Secretary of State's discretion, by electronic means, to the Department's Springfield Office or Chicago Office and includes requests for certified copies, photocopies, and certificates of existence or abstracts of computer record made to the Department's Springfield Office in person or by telephone, or requests for certificates of existence or abstracts of computer record made in person or by telephone to the Department's Chicago Office. A request submitted by electronic means may not be considered a

request for expedited services solely because of its submission by electronic means, unless expedited service is requested by the filer.

(e) Fees for expedited services shall be as follows:

Merger or conversion, \$200;

Certificate of limited partnership, \$100;

Certificate of amendment, \$100;

Reinstatement, \$100;

Application for admission to transact business, \$100;

Certificate of existence or abstract of computer record, \$20;

All other filings, copies of documents, annual renewal reports, and copies of documents of canceled limited partnerships, \$50.

(Source: P.A. 97-839, eff. 7-20-12; 98-463, eff. 8-16-13.)

Section 99. Effective date. This Act takes effect July 1, 2018.