

1 AN ACT to revise the law by combining multiple enactments
2 and making technical corrections.

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

5 Section 1. Nature of this Act.

6 (a) This Act may be cited as the First 2017 General
7 Revisory Act.

8 (b) This Act is not intended to make any substantive change
9 in the law. It reconciles conflicts that have arisen from
10 multiple amendments and enactments and makes technical
11 corrections and revisions in the law.

12 This Act revises and, where appropriate, renumbers certain
13 Sections that have been added or amended by more than one
14 Public Act. In certain cases in which a repealed Act or Section
15 has been replaced with a successor law, this Act may
16 incorporate amendments to the repealed Act or Section into the
17 successor law. This Act also corrects errors, revises
18 cross-references, and deletes obsolete text.

19 (c) In this Act, the reference at the end of each amended
20 Section indicates the sources in the Session Laws of Illinois
21 that were used in the preparation of the text of that Section.
22 The text of the Section included in this Act is intended to
23 include the different versions of the Section found in the
24 Public Acts included in the list of sources, but may not

1 include other versions of the Section to be found in Public
2 Acts not included in the list of sources. The list of sources
3 is not a part of the text of the Section.

4 (d) Public Acts 99-492 through 99-919 were considered in
5 the preparation of the combining revisories included in this
6 Act. Many of those combining revisories contain no striking or
7 underscoring because no additional changes are being made in
8 the material that is being combined.

9 Section 5. The Statute on Statutes is amended by changing
10 Section 8 as follows:

11 (5 ILCS 70/8) (from Ch. 1, par. 1107)

12 Sec. 8. Omnibus Bond Acts.

13 (a) A citation to the Omnibus Bond Acts is a citation to
14 all of the following Acts, collectively, as amended from time
15 to time: the Bond Authorization Act, the Registered Bond Act,
16 the Municipal Bond Reform Act, the Local Government Debt Reform
17 Act, subsection (a) of Section 1-7 of the Property Tax
18 Extension Limitation Act (now repealed), subsection (a) of
19 Section 18-190 of the Property Tax Code, the Uniform Facsimile
20 Signature of Public Officials Act, the Local Government Bond
21 Validity Act, the Illinois Finance Authority Act, the Public
22 Funds Investment Act, the Local Government Credit Enhancement
23 Act, the Local Government Defeasance of Debt Law, the
24 Intergovernmental Cooperation Act, the Local Government

1 Financial Planning and Supervision Act, the Special Assessment
2 Supplemental Bond and Procedures ~~Procedure~~ Act, Section 12-5 of
3 the Election Code, the State University Certificates of
4 Participation Act, and any similar Act granting additional
5 omnibus bond powers to governmental entities generally,
6 whether enacted before, on, or after June 6, 1989 (the
7 effective date of Public Act 86-4) ~~this amendatory Act of 1989.~~

8 (b) The General Assembly recognizes that the proliferation
9 of governmental entities has resulted in the enactment of
10 hundreds of statutory provisions relating to the borrowing and
11 other powers of governmental entities. The General Assembly
12 addresses and has addressed problems common to all such
13 governmental entities so that they have equal access to the
14 municipal bond market. It has been, and will continue to be,
15 the intention of the General Assembly to enact legislation
16 applicable to governmental entities in an omnibus fashion, as
17 has been done in the provisions of the Omnibus Bond Acts.

18 (c) It is and always has been the intention of the General
19 Assembly that the Omnibus Bond Acts are and always have been
20 supplementary grants of power, cumulative in nature and in
21 addition to any power or authority granted in any other laws of
22 the State. The Omnibus Bond Acts are supplementary grants of
23 power when applied in connection with any similar grant of
24 power or limitation contained in any other law of the State,
25 whether or not the other law is enacted or amended after an
26 Omnibus Bond Act or appears to be more restrictive than an

1 Omnibus Bond Act, unless the General Assembly expressly
2 declares in such other law that a specifically named Omnibus
3 Bond Act does not apply.

4 (d) All instruments providing for the payment of money
5 executed by or on behalf of any governmental entity organized
6 by or under the laws of this State, including without
7 limitation the State, to carry out a public governmental or
8 proprietary function, acting through its corporate
9 authorities, or which any governmental entity has assumed or
10 agreed to pay, which were:

11 (1) issued or authorized to be issued by proceedings
12 adopted by such corporate authorities before June 6, 1989
13 (the effective date of Public Act 86-4) ~~this amendatory Act~~
14 ~~of 1989;~~

15 (2) issued or authorized to be issued in accordance
16 with the procedures set forth in or pursuant to any
17 authorization contained in any of the Omnibus Bond Acts;
18 and

19 (3) issued or authorized to be issued for any purpose
20 authorized by the laws of this State, are valid and legally
21 binding obligations of the governmental entity issuing
22 such instruments, payable in accordance with their terms.

23 (Source: P.A. 96-15, eff. 6-22-09; revised 9-2-16.)

24 Section 10. The Regulatory Sunset Act is amended by
25 changing Section 4.37 as follows:

1 (5 ILCS 80/4.37)

2 Sec. 4.37. Acts and Articles repealed on January 1, 2027.

3 The following ~~Acts~~ are repealed on January 1, 2027:

4 The Clinical Psychologist Licensing Act.

5 The Illinois Optometric Practice Act of 1987.

6 Articles II, III, IV, V, VI, VIIA, VIIB, VIIC, XVII, XXXI,
7 XXXI 1/4, and XXXI 3/4 of the Illinois Insurance Code.

8 The Boiler and Pressure Vessel Repairer Regulation Act.

9 (Source: P.A. 99-572, eff. 7-15-16; 99-909, eff. 12-16-16;
10 99-910, eff. 12-16-16; 99-911, eff. 12-16-16; revised 1-3-17.)

11 (5 ILCS 80/4.27 rep.)

12 Section 15. The Regulatory Sunset Act is amended by
13 repealing Section 4.27.

14 Section 20. The Open Meetings Act is amended by changing
15 Section 2 as follows:

16 (5 ILCS 120/2) (from Ch. 102, par. 42)

17 Sec. 2. Open meetings.

18 (a) Openness required. All meetings of public bodies shall
19 be open to the public unless excepted in subsection (c) and
20 closed in accordance with Section 2a.

21 (b) Construction of exceptions. The exceptions contained
22 in subsection (c) are in derogation of the requirement that

1 public bodies meet in the open, and therefore, the exceptions
2 are to be strictly construed, extending only to subjects
3 clearly within their scope. The exceptions authorize but do not
4 require the holding of a closed meeting to discuss a subject
5 included within an enumerated exception.

6 (c) Exceptions. A public body may hold closed meetings to
7 consider the following subjects:

8 (1) The appointment, employment, compensation,
9 discipline, performance, or dismissal of specific
10 employees of the public body or legal counsel for the
11 public body, including hearing testimony on a complaint
12 lodged against an employee of the public body or against
13 legal counsel for the public body to determine its
14 validity. However, a meeting to consider an increase in
15 compensation to a specific employee of a public body that
16 is subject to the Local Government Wage Increase
17 Transparency Act may not be closed and shall be open to the
18 public and posted and held in accordance with this Act.

19 (2) Collective negotiating matters between the public
20 body and its employees or their representatives, or
21 deliberations concerning salary schedules for one or more
22 classes of employees.

23 (3) The selection of a person to fill a public office,
24 as defined in this Act, including a vacancy in a public
25 office, when the public body is given power to appoint
26 under law or ordinance, or the discipline, performance or

1 removal of the occupant of a public office, when the public
2 body is given power to remove the occupant under law or
3 ordinance.

4 (4) Evidence or testimony presented in open hearing, or
5 in closed hearing where specifically authorized by law, to
6 a quasi-adjudicative body, as defined in this Act, provided
7 that the body prepares and makes available for public
8 inspection a written decision setting forth its
9 determinative reasoning.

10 (5) The purchase or lease of real property for the use
11 of the public body, including meetings held for the purpose
12 of discussing whether a particular parcel should be
13 acquired.

14 (6) The setting of a price for sale or lease of
15 property owned by the public body.

16 (7) The sale or purchase of securities, investments, or
17 investment contracts. This exception shall not apply to the
18 investment of assets or income of funds deposited into the
19 Illinois Prepaid Tuition Trust Fund.

20 (8) Security procedures, school building safety and
21 security, and the use of personnel and equipment to respond
22 to an actual, a threatened, or a reasonably potential
23 danger to the safety of employees, students, staff, the
24 public, or public property.

25 (9) Student disciplinary cases.

26 (10) The placement of individual students in special

1 education programs and other matters relating to
2 individual students.

3 (11) Litigation, when an action against, affecting or
4 on behalf of the particular public body has been filed and
5 is pending before a court or administrative tribunal, or
6 when the public body finds that an action is probable or
7 imminent, in which case the basis for the finding shall be
8 recorded and entered into the minutes of the closed
9 meeting.

10 (12) The establishment of reserves or settlement of
11 claims as provided in the Local Governmental and
12 Governmental Employees Tort Immunity Act, if otherwise the
13 disposition of a claim or potential claim might be
14 prejudiced, or the review or discussion of claims, loss or
15 risk management information, records, data, advice or
16 communications from or with respect to any insurer of the
17 public body or any intergovernmental risk management
18 association or self insurance pool of which the public body
19 is a member.

20 (13) Conciliation of complaints of discrimination in
21 the sale or rental of housing, when closed meetings are
22 authorized by the law or ordinance prescribing fair housing
23 practices and creating a commission or administrative
24 agency for their enforcement.

25 (14) Informant sources, the hiring or assignment of
26 undercover personnel or equipment, or ongoing, prior or

1 future criminal investigations, when discussed by a public
2 body with criminal investigatory responsibilities.

3 (15) Professional ethics or performance when
4 considered by an advisory body appointed to advise a
5 licensing or regulatory agency on matters germane to the
6 advisory body's field of competence.

7 (16) Self evaluation, practices and procedures or
8 professional ethics, when meeting with a representative of
9 a statewide association of which the public body is a
10 member.

11 (17) The recruitment, credentialing, discipline or
12 formal peer review of physicians or other health care
13 professionals, or for the discussion of matters protected
14 under the federal Patient Safety and Quality Improvement
15 Act of 2005, and the regulations promulgated thereunder,
16 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
17 Health Insurance Portability and Accountability Act of
18 1996, and the regulations promulgated thereunder,
19 including 45 C.F.R. Parts 160, 162, and 164, by a hospital,
20 or other institution providing medical care, that is
21 operated by the public body.

22 (18) Deliberations for decisions of the Prisoner
23 Review Board.

24 (19) Review or discussion of applications received
25 under the Experimental Organ Transplantation Procedures
26 Act.

1 (20) The classification and discussion of matters
2 classified as confidential or continued confidential by
3 the State Government Suggestion Award Board.

4 (21) Discussion of minutes of meetings lawfully closed
5 under this Act, whether for purposes of approval by the
6 body of the minutes or semi-annual review of the minutes as
7 mandated by Section 2.06.

8 (22) Deliberations for decisions of the State
9 Emergency Medical Services Disciplinary Review Board.

10 (23) The operation by a municipality of a municipal
11 utility or the operation of a municipal power agency or
12 municipal natural gas agency when the discussion involves
13 (i) contracts relating to the purchase, sale, or delivery
14 of electricity or natural gas or (ii) the results or
15 conclusions of load forecast studies.

16 (24) Meetings of a residential health care facility
17 resident sexual assault and death review team or the
18 Executive Council under the Abuse Prevention Review Team
19 Act.

20 (25) Meetings of an independent team of experts under
21 Brian's Law.

22 (26) Meetings of a mortality review team appointed
23 under the Department of Juvenile Justice Mortality Review
24 Team Act.

25 (27) (Blank).

26 (28) Correspondence and records (i) that may not be

1 disclosed under Section 11-9 of the Illinois Public Aid
2 Code or (ii) that pertain to appeals under Section 11-8 of
3 the Illinois Public Aid Code.

4 (29) Meetings between internal or external auditors
5 and governmental audit committees, finance committees, and
6 their equivalents, when the discussion involves internal
7 control weaknesses, identification of potential fraud risk
8 areas, known or suspected frauds, and fraud interviews
9 conducted in accordance with generally accepted auditing
10 standards of the United States of America.

11 (30) Those meetings or portions of meetings of a
12 fatality review team or the Illinois Fatality Review Team
13 Advisory Council during which a review of the death of an
14 eligible adult in which abuse or neglect is suspected,
15 alleged, or substantiated is conducted pursuant to Section
16 15 of the Adult Protective Services Act.

17 (31) Meetings and deliberations for decisions of the
18 Concealed Carry Licensing Review Board under the Firearm
19 Concealed Carry Act.

20 (32) Meetings between the Regional Transportation
21 Authority Board and its Service Boards when the discussion
22 involves review by the Regional Transportation Authority
23 Board of employment contracts under Section 28d of the
24 Metropolitan Transit Authority Act and Sections 3A.18 and
25 3B.26 of the Regional Transportation Authority Act.

26 (33) Those meetings or portions of meetings of the

1 advisory committee and peer review subcommittee created
2 under Section 320 of the Illinois Controlled Substances Act
3 during which specific controlled substance prescriber,
4 dispenser, or patient information is discussed.

5 (d) Definitions. For purposes of this Section:

6 "Employee" means a person employed by a public body whose
7 relationship with the public body constitutes an
8 employer-employee relationship under the usual common law
9 rules, and who is not an independent contractor.

10 "Public office" means a position created by or under the
11 Constitution or laws of this State, the occupant of which is
12 charged with the exercise of some portion of the sovereign
13 power of this State. The term "public office" shall include
14 members of the public body, but it shall not include
15 organizational positions filled by members thereof, whether
16 established by law or by a public body itself, that exist to
17 assist the body in the conduct of its business.

18 "Quasi-judicative body" means an administrative body
19 charged by law or ordinance with the responsibility to conduct
20 hearings, receive evidence or testimony and make
21 determinations based thereon, but does not include local
22 electoral boards when such bodies are considering petition
23 challenges.

24 (e) Final action. No final action may be taken at a closed
25 meeting. Final action shall be preceded by a public recital of
26 the nature of the matter being considered and other information

1 that will inform the public of the business being conducted.
2 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
3 eff. 7-16-14; 98-1027, eff. 1-1-15; 98-1039, eff. 8-25-14;
4 99-78, eff. 7-20-15; 99-235, eff. 1-1-16; 99-480, eff. 9-9-15;
5 99-642, eff. 7-28-16; 99-646, eff. 7-28-16; 99-687, eff.
6 1-1-17; revised 9-21-16.)

7 Section 25. The Freedom of Information Act is amended by
8 changing Sections 7 and 7.5 as follows:

9 (5 ILCS 140/7) (from Ch. 116, par. 207)

10 Sec. 7. Exemptions.

11 (1) When a request is made to inspect or copy a public
12 record that contains information that is exempt from disclosure
13 under this Section, but also contains information that is not
14 exempt from disclosure, the public body may elect to redact the
15 information that is exempt. The public body shall make the
16 remaining information available for inspection and copying.
17 Subject to this requirement, the following shall be exempt from
18 inspection and copying:

19 (a) Information specifically prohibited from
20 disclosure by federal or State law or rules and regulations
21 implementing federal or State law.

22 (b) Private information, unless disclosure is required
23 by another provision of this Act, a State or federal law or
24 a court order.

1 (b-5) Files, documents, and other data or databases
2 maintained by one or more law enforcement agencies and
3 specifically designed to provide information to one or more
4 law enforcement agencies regarding the physical or mental
5 status of one or more individual subjects.

6 (c) Personal information contained within public
7 records, the disclosure of which would constitute a clearly
8 unwarranted invasion of personal privacy, unless the
9 disclosure is consented to in writing by the individual
10 subjects of the information. "Unwarranted invasion of
11 personal privacy" means the disclosure of information that
12 is highly personal or objectionable to a reasonable person
13 and in which the subject's right to privacy outweighs any
14 legitimate public interest in obtaining the information.
15 The disclosure of information that bears on the public
16 duties of public employees and officials shall not be
17 considered an invasion of personal privacy.

18 (d) Records in the possession of any public body
19 created in the course of administrative enforcement
20 proceedings, and any law enforcement or correctional
21 agency for law enforcement purposes, but only to the extent
22 that disclosure would:

23 (i) interfere with pending or actually and
24 reasonably contemplated law enforcement proceedings
25 conducted by any law enforcement or correctional
26 agency that is the recipient of the request;

1 (ii) interfere with active administrative
2 enforcement proceedings conducted by the public body
3 that is the recipient of the request;

4 (iii) create a substantial likelihood that a
5 person will be deprived of a fair trial or an impartial
6 hearing;

7 (iv) unavoidably disclose the identity of a
8 confidential source, confidential information
9 furnished only by the confidential source, or persons
10 who file complaints with or provide information to
11 administrative, investigative, law enforcement, or
12 penal agencies; except that the identities of
13 witnesses to traffic accidents, traffic accident
14 reports, and rescue reports shall be provided by
15 agencies of local government, except when disclosure
16 would interfere with an active criminal investigation
17 conducted by the agency that is the recipient of the
18 request;

19 (v) disclose unique or specialized investigative
20 techniques other than those generally used and known or
21 disclose internal documents of correctional agencies
22 related to detection, observation or investigation of
23 incidents of crime or misconduct, and disclosure would
24 result in demonstrable harm to the agency or public
25 body that is the recipient of the request;

26 (vi) endanger the life or physical safety of law

1 enforcement personnel or any other person; or
2 (vii) obstruct an ongoing criminal investigation
3 by the agency that is the recipient of the request.

4 (d-5) A law enforcement record created for law
5 enforcement purposes and contained in a shared electronic
6 record management system if the law enforcement agency that
7 is the recipient of the request did not create the record,
8 did not participate in or have a role in any of the events
9 which are the subject of the record, and only has access to
10 the record through the shared electronic record management
11 system.

12 (e) Records that relate to or affect the security of
13 correctional institutions and detention facilities.

14 (e-5) Records requested by persons committed to the
15 Department of Corrections if those materials are available
16 in the library of the correctional facility where the
17 inmate is confined.

18 (e-6) Records requested by persons committed to the
19 Department of Corrections if those materials include
20 records from staff members' personnel files, staff
21 rosters, or other staffing assignment information.

22 (e-7) Records requested by persons committed to the
23 Department of Corrections if those materials are available
24 through an administrative request to the Department of
25 Corrections.

26 (f) Preliminary drafts, notes, recommendations,

1 memoranda and other records in which opinions are
2 expressed, or policies or actions are formulated, except
3 that a specific record or relevant portion of a record
4 shall not be exempt when the record is publicly cited and
5 identified by the head of the public body. The exemption
6 provided in this paragraph (f) extends to all those records
7 of officers and agencies of the General Assembly that
8 pertain to the preparation of legislative documents.

9 (g) Trade secrets and commercial or financial
10 information obtained from a person or business where the
11 trade secrets or commercial or financial information are
12 furnished under a claim that they are proprietary,
13 privileged or confidential, and that disclosure of the
14 trade secrets or commercial or financial information would
15 cause competitive harm to the person or business, and only
16 insofar as the claim directly applies to the records
17 requested.

18 The information included under this exemption includes
19 all trade secrets and commercial or financial information
20 obtained by a public body, including a public pension fund,
21 from a private equity fund or a privately held company
22 within the investment portfolio of a private equity fund as
23 a result of either investing or evaluating a potential
24 investment of public funds in a private equity fund. The
25 exemption contained in this item does not apply to the
26 aggregate financial performance information of a private

1 equity fund, nor to the identity of the fund's managers or
2 general partners. The exemption contained in this item does
3 not apply to the identity of a privately held company
4 within the investment portfolio of a private equity fund,
5 unless the disclosure of the identity of a privately held
6 company may cause competitive harm.

7 Nothing contained in this paragraph (g) shall be
8 construed to prevent a person or business from consenting
9 to disclosure.

10 (h) Proposals and bids for any contract, grant, or
11 agreement, including information which if it were
12 disclosed would frustrate procurement or give an advantage
13 to any person proposing to enter into a contractor
14 agreement with the body, until an award or final selection
15 is made. Information prepared by or for the body in
16 preparation of a bid solicitation shall be exempt until an
17 award or final selection is made.

18 (i) Valuable formulae, computer geographic systems,
19 designs, drawings and research data obtained or produced by
20 any public body when disclosure could reasonably be
21 expected to produce private gain or public loss. The
22 exemption for "computer geographic systems" provided in
23 this paragraph (i) does not extend to requests made by news
24 media as defined in Section 2 of this Act when the
25 requested information is not otherwise exempt and the only
26 purpose of the request is to access and disseminate

1 information regarding the health, safety, welfare, or
2 legal rights of the general public.

3 (j) The following information pertaining to
4 educational matters:

5 (i) test questions, scoring keys and other
6 examination data used to administer an academic
7 examination;

8 (ii) information received by a primary or
9 secondary school, college, or university under its
10 procedures for the evaluation of faculty members by
11 their academic peers;

12 (iii) information concerning a school or
13 university's adjudication of student disciplinary
14 cases, but only to the extent that disclosure would
15 unavoidably reveal the identity of the student; and

16 (iv) course materials or research materials used
17 by faculty members.

18 (k) Architects' plans, engineers' technical
19 submissions, and other construction related technical
20 documents for projects not constructed or developed in
21 whole or in part with public funds and the same for
22 projects constructed or developed with public funds,
23 including but not limited to power generating and
24 distribution stations and other transmission and
25 distribution facilities, water treatment facilities,
26 airport facilities, sport stadiums, convention centers,

1 and all government owned, operated, or occupied buildings,
2 but only to the extent that disclosure would compromise
3 security.

4 (l) Minutes of meetings of public bodies closed to the
5 public as provided in the Open Meetings Act until the
6 public body makes the minutes available to the public under
7 Section 2.06 of the Open Meetings Act.

8 (m) Communications between a public body and an
9 attorney or auditor representing the public body that would
10 not be subject to discovery in litigation, and materials
11 prepared or compiled by or for a public body in
12 anticipation of a criminal, civil or administrative
13 proceeding upon the request of an attorney advising the
14 public body, and materials prepared or compiled with
15 respect to internal audits of public bodies.

16 (n) Records relating to a public body's adjudication of
17 employee grievances or disciplinary cases; however, this
18 exemption shall not extend to the final outcome of cases in
19 which discipline is imposed.

20 (o) Administrative or technical information associated
21 with automated data processing operations, including but
22 not limited to software, operating protocols, computer
23 program abstracts, file layouts, source listings, object
24 modules, load modules, user guides, documentation
25 pertaining to all logical and physical design of
26 computerized systems, employee manuals, and any other

1 information that, if disclosed, would jeopardize the
2 security of the system or its data or the security of
3 materials exempt under this Section.

4 (p) Records relating to collective negotiating matters
5 between public bodies and their employees or
6 representatives, except that any final contract or
7 agreement shall be subject to inspection and copying.

8 (q) Test questions, scoring keys, and other
9 examination data used to determine the qualifications of an
10 applicant for a license or employment.

11 (r) The records, documents, and information relating
12 to real estate purchase negotiations until those
13 negotiations have been completed or otherwise terminated.
14 With regard to a parcel involved in a pending or actually
15 and reasonably contemplated eminent domain proceeding
16 under the Eminent Domain Act, records, documents and
17 information relating to that parcel shall be exempt except
18 as may be allowed under discovery rules adopted by the
19 Illinois Supreme Court. The records, documents and
20 information relating to a real estate sale shall be exempt
21 until a sale is consummated.

22 (s) Any and all proprietary information and records
23 related to the operation of an intergovernmental risk
24 management association or self-insurance pool or jointly
25 self-administered health and accident cooperative or pool.
26 Insurance or self insurance (including any

1 intergovernmental risk management association or self
2 insurance pool) claims, loss or risk management
3 information, records, data, advice or communications.

4 (t) Information contained in or related to
5 examination, operating, or condition reports prepared by,
6 on behalf of, or for the use of a public body responsible
7 for the regulation or supervision of financial
8 institutions or insurance companies, unless disclosure is
9 otherwise required by State law.

10 (u) Information that would disclose or might lead to
11 the disclosure of secret or confidential information,
12 codes, algorithms, programs, or private keys intended to be
13 used to create electronic or digital signatures under the
14 Electronic Commerce Security Act.

15 (v) Vulnerability assessments, security measures, and
16 response policies or plans that are designed to identify,
17 prevent, or respond to potential attacks upon a community's
18 population or systems, facilities, or installations, the
19 destruction or contamination of which would constitute a
20 clear and present danger to the health or safety of the
21 community, but only to the extent that disclosure could
22 reasonably be expected to jeopardize the effectiveness of
23 the measures or the safety of the personnel who implement
24 them or the public. Information exempt under this item may
25 include such things as details pertaining to the
26 mobilization or deployment of personnel or equipment, to

1 the operation of communication systems or protocols, or to
2 tactical operations.

3 (w) (Blank).

4 (x) Maps and other records regarding the location or
5 security of generation, transmission, distribution,
6 storage, gathering, treatment, or switching facilities
7 owned by a utility, by a power generator, or by the
8 Illinois Power Agency.

9 (y) Information contained in or related to proposals,
10 bids, or negotiations related to electric power
11 procurement under Section 1-75 of the Illinois Power Agency
12 Act and Section 16-111.5 of the Public Utilities Act that
13 is determined to be confidential and proprietary by the
14 Illinois Power Agency or by the Illinois Commerce
15 Commission.

16 (z) Information about students exempted from
17 disclosure under Sections 10-20.38 or 34-18.29 of the
18 School Code, and information about undergraduate students
19 enrolled at an institution of higher education exempted
20 from disclosure under Section 25 of the Illinois Credit
21 Card Marketing Act of 2009.

22 (aa) Information the disclosure of which is exempted
23 under the Viatical Settlements Act of 2009.

24 (bb) Records and information provided to a mortality
25 review team and records maintained by a mortality review
26 team appointed under the Department of Juvenile Justice

1 Mortality Review Team Act.

2 (cc) Information regarding interments, entombments, or
3 inurnments of human remains that are submitted to the
4 Cemetery Oversight Database under the Cemetery Care Act or
5 the Cemetery Oversight Act, whichever is applicable.

6 (dd) Correspondence and records (i) that may not be
7 disclosed under Section 11-9 of the Illinois Public Aid
8 Code or (ii) that pertain to appeals under Section 11-8 of
9 the Illinois Public Aid Code.

10 (ee) The names, addresses, or other personal
11 information of persons who are minors and are also
12 participants and registrants in programs of park
13 districts, forest preserve districts, conservation
14 districts, recreation agencies, and special recreation
15 associations.

16 (ff) The names, addresses, or other personal
17 information of participants and registrants in programs of
18 park districts, forest preserve districts, conservation
19 districts, recreation agencies, and special recreation
20 associations where such programs are targeted primarily to
21 minors.

22 (gg) Confidential information described in Section
23 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

24 (hh) The report submitted to the State Board of
25 Education by the School Security and Standards Task Force
26 under item (8) of subsection (d) of Section 2-3.160 of the

1 School Code and any information contained in that report.

2 (ii) Records requested by persons committed to or
3 detained by the Department of Human Services under the
4 Sexually Violent Persons Commitment Act or committed to the
5 Department of Corrections under the Sexually Dangerous
6 Persons Act if those materials: (i) are available in the
7 library of the facility where the individual is confined;
8 (ii) include records from staff members' personnel files,
9 staff rosters, or other staffing assignment information;
10 or (iii) are available through an administrative request to
11 the Department of Human Services or the Department of
12 Corrections.

13 (jj) Confidential information described in Section
14 5-535 of the Civil Administrative Code of Illinois.

15 (1.5) Any information exempt from disclosure under the
16 Judicial Privacy Act shall be redacted from public records
17 prior to disclosure under this Act.

18 (2) A public record that is not in the possession of a
19 public body but is in the possession of a party with whom the
20 agency has contracted to perform a governmental function on
21 behalf of the public body, and that directly relates to the
22 governmental function and is not otherwise exempt under this
23 Act, shall be considered a public record of the public body,
24 for purposes of this Act.

25 (3) This Section does not authorize withholding of
26 information or limit the availability of records to the public,

1 except as stated in this Section or otherwise provided in this
2 Act.

3 (Source: P.A. 98-463, eff. 8-16-13; 98-578, eff. 8-27-13;
4 98-695, eff. 7-3-14; 99-298, eff. 8-6-15; 99-346, eff. 1-1-16;
5 99-642, eff. 7-28-16; revised 10-25-16.)

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be exempt
9 from inspection and copying:

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical
17 records received by the Experimental Organ Transplantation
18 Procedures Board and any and all documents or other records
19 prepared by the Experimental Organ Transplantation
20 Procedures Board or its staff relating to applications it
21 has received.

22 (d) Information and records held by the Department of
23 Public Health and its authorized representatives relating
24 to known or suspected cases of sexually transmissible
25 disease or any information the disclosure of which is

1 restricted under the Illinois Sexually Transmissible
2 Disease Control Act.

3 (e) Information the disclosure of which is exempted
4 under Section 30 of the Radon Industry Licensing Act.

5 (f) Firm performance evaluations under Section 55 of
6 the Architectural, Engineering, and Land Surveying
7 Qualifications Based Selection Act.

8 (g) Information the disclosure of which is restricted
9 and exempted under Section 50 of the Illinois Prepaid
10 Tuition Act.

11 (h) Information the disclosure of which is exempted
12 under the State Officials and Employees Ethics Act, and
13 records of any lawfully created State or local inspector
14 general's office that would be exempt if created or
15 obtained by an Executive Inspector General's office under
16 that Act.

17 (i) Information contained in a local emergency energy
18 plan submitted to a municipality in accordance with a local
19 emergency energy plan ordinance that is adopted under
20 Section 11-21.5-5 of the Illinois Municipal Code.

21 (j) Information and data concerning the distribution
22 of surcharge moneys collected and remitted by wireless
23 carriers under the Wireless Emergency Telephone Safety
24 Act.

25 (k) Law enforcement officer identification information
26 or driver identification information compiled by a law

1 enforcement agency or the Department of Transportation
2 under Section 11-212 of the Illinois Vehicle Code.

3 (l) Records and information provided to a residential
4 health care facility resident sexual assault and death
5 review team or the Executive Council under the Abuse
6 Prevention Review Team Act.

7 (m) Information provided to the predatory lending
8 database created pursuant to Article 3 of the Residential
9 Real Property Disclosure Act, except to the extent
10 authorized under that Article.

11 (n) Defense budgets and petitions for certification of
12 compensation and expenses for court appointed trial
13 counsel as provided under Sections 10 and 15 of the Capital
14 Crimes Litigation Act. This subsection (n) shall apply
15 until the conclusion of the trial of the case, even if the
16 prosecution chooses not to pursue the death penalty prior
17 to trial or sentencing.

18 (o) Information that is prohibited from being
19 disclosed under Section 4 of the Illinois Health and
20 Hazardous Substances Registry Act.

21 (p) Security portions of system safety program plans,
22 investigation reports, surveys, schedules, lists, data, or
23 information compiled, collected, or prepared by or for the
24 Regional Transportation Authority under Section 2.11 of
25 the Regional Transportation Authority Act or the St. Clair
26 County Transit District under the Bi-State Transit Safety

1 Act.

2 (q) Information prohibited from being disclosed by the
3 Personnel Records Review Act.

4 (r) Information prohibited from being disclosed by the
5 Illinois School Student Records Act.

6 (s) Information the disclosure of which is restricted
7 under Section 5-108 of the Public Utilities Act.

8 (t) All identified or deidentified health information
9 in the form of health data or medical records contained in,
10 stored in, submitted to, transferred by, or released from
11 the Illinois Health Information Exchange, and identified
12 or deidentified health information in the form of health
13 data and medical records of the Illinois Health Information
14 Exchange in the possession of the Illinois Health
15 Information Exchange Authority due to its administration
16 of the Illinois Health Information Exchange. The terms
17 "identified" and "deidentified" shall be given the same
18 meaning as in the Health Insurance Portability and
19 Accountability Act of 1996, Public Law 104-191, or any
20 subsequent amendments thereto, and any regulations
21 promulgated thereunder.

22 (u) Records and information provided to an independent
23 team of experts under Brian's Law.

24 (v) Names and information of people who have applied
25 for or received Firearm Owner's Identification Cards under
26 the Firearm Owners Identification Card Act or applied for

1 or received a concealed carry license under the Firearm
2 Concealed Carry Act, unless otherwise authorized by the
3 Firearm Concealed Carry Act; and databases under the
4 Firearm Concealed Carry Act, records of the Concealed Carry
5 Licensing Review Board under the Firearm Concealed Carry
6 Act, and law enforcement agency objections under the
7 Firearm Concealed Carry Act.

8 (w) Personally identifiable information which is
9 exempted from disclosure under subsection (g) of Section
10 19.1 of the Toll Highway Act.

11 (x) Information which is exempted from disclosure
12 under Section 5-1014.3 of the Counties Code or Section
13 8-11-21 of the Illinois Municipal Code.

14 (y) Confidential information under the Adult
15 Protective Services Act and its predecessor enabling
16 statute, the Elder Abuse and Neglect Act, including
17 information about the identity and administrative finding
18 against any caregiver of a verified and substantiated
19 decision of abuse, neglect, or financial exploitation of an
20 eligible adult maintained in the Registry established
21 under Section 7.5 of the Adult Protective Services Act.

22 (z) Records and information provided to a fatality
23 review team or the Illinois Fatality Review Team Advisory
24 Council under Section 15 of the Adult Protective Services
25 Act.

26 (aa) Information which is exempted from disclosure

1 under Section 2.37 of the Wildlife Code.

2 (bb) Information which is or was prohibited from
3 disclosure by the Juvenile Court Act of 1987.

4 (cc) Recordings made under the Law Enforcement
5 Officer-Worn Body Camera Act, except to the extent
6 authorized under that Act.

7 (dd) Information that is prohibited from being
8 disclosed under Section 45 of the Condominium and Common
9 Interest Community Ombudsperson Act.

10 (ee) ~~(dd)~~ Information that is exempted from disclosure
11 under Section 30.1 of the Pharmacy Practice Act.

12 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
13 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;
14 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;
15 99-642, eff. 7-28-16; 99-776, eff. 8-12-16; 99-863, eff.
16 8-19-16; revised 9-1-16.)

17 Section 30. The State Records Act is amended by changing
18 Section 2 as follows:

19 (5 ILCS 160/2) (from Ch. 116, par. 43.5)

20 Sec. 2. For the purposes of this Act:

21 "Secretary" means Secretary of State.

22 "Record" or "records" means all books, papers,
23 born-digital electronic material, digitized electronic
24 material, electronic material with a combination of digitized

1 and born-digital material, maps, photographs, databases, or
2 other official documentary materials, regardless of physical
3 form or characteristics, made, produced, executed, or received
4 by any agency in the State in pursuance of State ~~state~~ law or
5 in connection with the transaction of public business and
6 preserved or appropriate for preservation by that agency or its
7 successor as evidence of the organization, function, policies,
8 decisions, procedures, operations, or other activities of the
9 State or of the State Government, or because of the
10 informational data contained therein. Library and museum
11 material made or acquired and preserved solely for reference or
12 exhibition purposes, extra copies of documents preserved only
13 for convenience of reference, and stocks of publications and of
14 blank forms are not included within the definition of records
15 as used in this Act. Reports of impaired physicians under
16 Section 16.04 of the Medical Practice Act or Section 23 of the
17 Medical Practice Act of 1987 are not included within the
18 definition of records as used in this Act.

19 "Born-digital electronic material" means electronic
20 material created in digital form rather than converted from
21 print or analog form to digital form.

22 "Digitized electronic material" means electronic material
23 converted from print or analog form to digital form.

24 "Agency" means all parts, boards, and commissions of the
25 executive branch of the State government, including, but not
26 limited to, State colleges and universities and their governing

1 boards and all departments established by the "Civil
2 Administrative Code of Illinois," ~~as heretofore or hereafter~~
3 ~~amended.~~

4 "Public Officer" or "public officers" means all officers of
5 the executive branch of the State government, all officers
6 created by the "Civil Administrative Code of Illinois," ~~as~~
7 ~~heretofore or hereafter amended,~~ and all other officers and
8 heads, presidents, or chairmen of boards, commissions, and
9 agencies of the State government.

10 "Commission" means the State Records Commission.

11 "Archivist" means the Secretary of State.

12 (Source: P.A. 99-147, eff. 1-1-16; revised 9-16-16.)

13 Section 35. The Illinois Notary Public Act is amended by
14 changing Section 2-106 as follows:

15 (5 ILCS 312/2-106) (from Ch. 102, par. 202-106)

16 Sec. 2-106. Appointment Recorded by County Clerk. The
17 appointment of the applicant as a notary public is complete
18 when the commission is recorded with the county clerk.

19 The Secretary of State shall forward the applicant's
20 commission to the county clerk of the county in which the
21 applicant resides or, if the applicant is a resident of a state
22 bordering Illinois, the county in Illinois in which the
23 applicant's principal place of work or principal place of
24 business is located. Upon receipt thereof, the county clerk

1 shall notify the applicant of the action taken by the Secretary
2 of State, and the applicant shall either appear at the county
3 clerk's office to record the same and receive the commission or
4 request by mail to have the commission sent to the applicant
5 with a specimen signature of the applicant attached to the
6 request. The applicant shall have a record of the appointment,
7 and the time when the commission will expire, entered in the
8 records of the office of the county clerk. When the applicant
9 appears before the county clerk, the applicant shall pay a fee
10 of \$5, at which time the county clerk shall then deliver the
11 commission to the applicant.

12 If the appointment is completed by mail, the applicant
13 shall pay the county clerk a fee of \$10.00, which shall be
14 submitted with the request to the county clerk. The county
15 clerk shall then record the appointment and send the commission
16 by mail to the applicant.

17 If an applicant does not respond to the notification by the
18 county clerk within 30 days, the county clerk shall again
19 notify the applicant that the county clerk has received the
20 applicant's notary public commission issued by the Secretary of
21 State. The second notice shall be in substantially the
22 following form:

23 "The records of this office indicate that you have not
24 picked up your notary public commission from the Office of
25 the County Clerk.

26 The Illinois Notary Public Law requires you to appear in

1 person in the clerk's office, record your commission, and
2 pay a fee of \$5.00 to the county clerk or request that your
3 commission be mailed to you. This request must be
4 accompanied by a specimen of your signature and a \$10.00
5 fee payable to the county clerk.

6 Your appointment as a notary is not complete until the
7 commission is recorded with the county clerk. Furthermore,
8 if you do not make arrangements with the clerk for
9 recording and delivery of your commission within 30 days
10 from the date of this letter, the county clerk will return
11 your commission to the Secretary of State. Your commission
12 will be cancelled and your name will be removed from the
13 list of notaries in the State of Illinois.

14 I should also like to remind you that any person who
15 attests to any document as a notary and is not a notary in
16 good standing with the Office of the Secretary of State is
17 guilty of official misconduct and may be subject to a fine
18 or imprisonment_".

19 The Secretary of State shall cancel the appointment of all
20 notaries whose commissions are returned to his office by the
21 county clerks. No application fee will be refunded and no
22 bonding company is required to issue a refund when an
23 appointment is cancelled.

24 (Source: P.A. 91-818, eff. 6-13-00; revised 9-16-16.)

25 Section 40. The Illinois Public Labor Relations Act is

1 amended by changing Sections 27 and 28 as follows:

2 (5 ILCS 315/27) (from Ch. 48, par. 1627)

3 Sec. 27. Except as provided in Section 18 of this Act
4 ~~herein~~, the provisions of the Labor Dispute Act "~~An Act~~
5 ~~relating to disputes concerning terms and conditions of~~
6 ~~employment~~", approved June 19, 1925, as now or hereafter
7 amended, apply.

8 (Source: P.A. 83-1012; revised 9-16-16.)

9 (5 ILCS 315/28)

10 Sec. 28. Applicability of changes made by Public Act
11 97-1158 ~~amendatory Act of the 97th General Assembly~~. Nothing in
12 Public Act 97-1158 ~~this amendatory Act of the 97th General~~
13 ~~Assembly~~ applies to workers or consumers in the Home-Based Home
14 ~~Based~~ Support Services Program in the Department of Human
15 Services Division of Developmental Disabilities.

16 (Source: P.A. 97-1158, eff. 1-29-13; revised 9-16-16.)

17 Section 45. The State Employee Vacation Time Act is amended
18 by changing Section 1 as follows:

19 (5 ILCS 360/1) (from Ch. 127, par. 63b120.1)

20 Sec. 1. After the effective date of this Act, l computation
21 of vacation time of former State employees re-entering State
22 service shall be determined as though all previous State

1 service which qualified for earning of vacation benefits is
2 continuous with present service.

3 For purposes of this Section, "State employee" means an
4 "employee" as that term is defined in Section 2 of the "State
5 Salary and Annuity Withholding Act".

6 (Source: P.A. 77-1823; revised 9-1-16.)

7 Section 50. The State Employee Prevailing Wage Act is
8 amended by changing Section 1 as follows:

9 (5 ILCS 370/1) (from Ch. 127, par. 391)

10 Sec. 1. Whenever any State officer, agency, or authority,
11 whether funded by State taxes or otherwise, employs an
12 individual in a capacity or position of such a character as
13 would be subject to rules or regulations of the Department of
14 Central Management Services requiring the payment of the
15 prevailing rate of wages to those holding such a position or
16 serving in such a capacity if that employment were subject to
17 the "Personnel Code", the State officer, agency, or authority
18 shall pay that individual at the prevailing rate,
19 notwithstanding the nonapplicability of the "Personnel Code".

20 (Source: P.A. 82-789; revised 9-16-16.)

21 Section 60. The Illinois Governmental Ethics Act is amended
22 by changing Section 3-202 as follows:

1 (5 ILCS 420/3-202) (from Ch. 127, par. 603-202)

2 Sec. 3-202. When a legislator must take official action on
3 a legislative matter as to which he has a conflict situation
4 created by a personal, family, or client legislative interest,
5 he should consider the possibility of eliminating the interest
6 creating the conflict situation. If that is not feasible, he
7 should consider the possibility of abstaining from such
8 official action. In making his decision as to abstention, the
9 following factors should be considered:+

10 a. whether a substantial threat to his independence of
11 judgment has been created by the conflict situation;

12 b. the effect of his participation on public confidence
13 in the integrity of the legislature;

14 c. whether his participation is likely to have any
15 significant effect on the disposition of the matter;

16 d. the need for his particular contribution, such as
17 special knowledge of the subject matter, to the effective
18 functioning of the legislature.

19 He need not abstain if he decides to participate in a
20 manner contrary to the economic interest which creates the
21 conflict situation.

22 If he does abstain, he should disclose that fact to his
23 respective legislative body.

24 (Source: Laws 1967, p. 3401; revised 10-26-16.)

25 Section 65. The Flag Display Act is amended by changing

1 Section 10 as follows:

2 (5 ILCS 465/10)

3 Sec. 10. Death of resident military member, law enforcement
4 officer, firefighter, or members of EMS crews.

5 (a) The Governor shall issue an official notice to fly the
6 following flags at half-staff upon the death of a resident of
7 this State killed (i) by hostile fire as a member of the United
8 States armed forces, (ii) in the line of duty as a law
9 enforcement officer, (iii) in the line of duty as a
10 firefighter, ~~or~~ (iv) in the line of duty as a member of an
11 Emergency Medical Services (EMS) crew, ~~or~~ or (v) during on duty
12 training for active military duty: the United States national
13 flag, the State flag of Illinois, and, in the case of the death
14 of the member of the United States armed forces, the
15 appropriate military flag as defined in subsection (b) of
16 Section 18.6 of the Condominium Property Act. Upon the
17 Governor's notice, each person or entity required by this Act
18 to ensure the display of the United States national flag on a
19 flagstaff shall ensure that the flags described in the notice
20 are displayed at half-staff on the day designated for the
21 resident's funeral and the 2 days preceding that day.

22 (b) The Department of Veterans' Affairs shall notify the
23 Governor of the death by hostile fire of an Illinois resident
24 member of the United States armed forces. The Department of
25 State Police shall notify the Governor of the death in the line

1 of duty of an Illinois resident law enforcement officer. The
2 Office of the State Fire Marshal shall notify the Governor of
3 the death in the line of duty of an Illinois resident
4 firefighter. The Department of Public Health shall notify the
5 Governor of the death in the line of duty of an Illinois
6 resident member of an Emergency Medical Services (EMS) crew.
7 Notice to the Governor shall include at least the resident's
8 name and Illinois address, the date designated for the funeral,
9 and the circumstances of the death.

10 (c) For the purpose of this Section, the United States
11 armed forces includes: (i) the United States Army, Navy, Marine
12 Corps, Air Force, and Coast Guard; (ii) any reserve component
13 of each of the forces listed in item (i); and (iii) the
14 National Guard.

15 (d) Nothing in this Section requires the removal or
16 relocation of any existing flags currently displayed in the
17 State. This Section does not apply to a State facility if the
18 requirements of this Section cannot be satisfied without a
19 physical modification to that facility.

20 (Source: P.A. 98-234, eff. 1-1-14; 99-372, eff. 1-1-16; revised
21 1-24-17.)

22 Section 70. The Election Code is amended by changing
23 Sections 3-6, 4-8.5, 5-8.5, 6-35.5, 7-8, 18A-5, 20-5, 20-13,
24 and 24A-15.1 as follows:

1 (10 ILCS 5/3-6)

2 Sec. 3-6. Voting age. Notwithstanding any other provision
3 of law, a person who is 17 years old on the date of a caucus,
4 general primary election, or consolidated primary election and
5 who is otherwise qualified to vote is qualified to vote at that
6 caucus, general primary, or consolidated primary, including
7 voting a vote by mail, grace period, or early voting ballot
8 with respect to that general primary or consolidated primary,
9 if that person will be 18 years old on the date of the
10 immediately following general election or consolidated
11 election for which candidates are nominated at that primary.

12 References in this Code and elsewhere to the requirement
13 that a person must be 18 years old to vote shall be interpreted
14 in accordance with this Section.

15 For the purposes of this Code Act, an individual who is 17
16 years of age and who will be 18 years of age on the date of the
17 general or consolidated election shall be deemed competent to
18 execute and attest to any voter registration forms. An
19 individual who is 17 years of age, will be 18 years of age on
20 the date of the immediately following general or consolidated
21 election, and is otherwise qualified to vote shall be deemed
22 eligible to circulate a nominating petition or a petition
23 proposing a public question.

24 (Source: P.A. 98-51, eff. 1-1-14; 98-1171, eff. 6-1-15; 99-722,
25 eff. 8-5-16; revised 10-25-16.)

1 (10 ILCS 5/4-8.5)

2 Sec. 4-8.5. Deputy registrar eligibility. Unless otherwise
3 provided by law, an individual who ~~that~~ is 17 years old or
4 older who is registered to vote in this State shall be eligible
5 to serve as a deputy registrar.

6 (Source: P.A. 99-722, eff. 8-5-16; revised 10-25-16.)

7 (10 ILCS 5/5-8.5)

8 Sec. 5-8.5. Deputy registrar eligibility. Unless otherwise
9 provided by law, an individual who ~~that~~ is 17 years old or
10 older who is registered to vote in this State shall be eligible
11 to serve as a deputy registrar.

12 (Source: P.A. 99-722, eff. 8-5-16; revised 10-25-16.)

13 (10 ILCS 5/6-35.5)

14 Sec. 6-35.5. Deputy registrar eligibility. Unless
15 otherwise provided by law, an individual who ~~that~~ is 17 years
16 old or older who is registered to vote in this State shall be
17 eligible to serve as a deputy registrar.

18 (Source: P.A. 99-722, eff. 8-5-16; revised 10-25-16.)

19 (10 ILCS 5/7-8) (from Ch. 46, par. 7-8)

20 Sec. 7-8. The State central committee shall be composed of
21 one or two members from each congressional district in the
22 State and shall be elected as follows:

23 State Central Committee

1 (a) Within 30 days after January 1, 1984 (the effective
2 date of Public Act 83-33), ~~this amendatory Act of 1983~~ the
3 State central committee of each political party shall certify
4 to the State Board of Elections which of the following
5 alternatives it wishes to apply to the State central committee
6 of that party.

7 Alternative A. At the primary in 1970 and at the general
8 primary election held every 4 years thereafter, each primary
9 elector may vote for one candidate of his party for member of
10 the State central committee for the congressional district in
11 which he resides. The candidate receiving the highest number of
12 votes shall be declared elected State central committeeman from
13 the district. A political party may, in lieu of the foregoing,
14 by a majority vote of delegates at any State convention of such
15 party, determine to thereafter elect the State central
16 committeemen in the manner following:

17 At the county convention held by such political party,
18 State central committeemen shall be elected in the same manner
19 as provided in this Article for the election of officers of the
20 county central committee, and such election shall follow the
21 election of officers of the county central committee. Each
22 elected ward, township or precinct committeeman shall cast as
23 his vote one vote for each ballot voted in his ward, township,
24 part of a township or precinct in the last preceding primary
25 election of his political party. In the case of a county lying
26 partially within one congressional district and partially

1 within another congressional district, each ward, township or
2 precinct committeeman shall vote only with respect to the
3 congressional district in which his ward, township, part of a
4 township or precinct is located. In the case of a congressional
5 district which encompasses more than one county, each ward,
6 township or precinct committeeman residing within the
7 congressional district shall cast as his vote one vote for each
8 ballot voted in his ward, township, part of a township or
9 precinct in the last preceding primary election of his
10 political party for one candidate of his party for member of
11 the State central committee for the congressional district in
12 which he resides and the Chairman of the county central
13 committee shall report the results of the election to the State
14 Board of Elections. The State Board of Elections shall certify
15 the candidate receiving the highest number of votes elected
16 State central committeeman for that congressional district.

17 The State central committee shall adopt rules to provide
18 for and govern the procedures to be followed in the election of
19 members of the State central committee.

20 After August 6, 1999 (the effective date of Public Act
21 91-426) ~~this amendatory Act of the 91st General Assembly,~~
22 whenever a vacancy occurs in the office of Chairman of a State
23 central committee, or at the end of the term of office of
24 Chairman, the State central committee of each political party
25 that has selected Alternative A shall elect a Chairman who
26 shall not be required to be a member of the State Central

1 Committee. The Chairman shall be a registered voter in this
2 State and of the same political party as the State central
3 committee.

4 Alternative B. Each congressional committee shall, within
5 30 days after the adoption of this alternative, appoint a
6 person of the sex opposite that of the incumbent member for
7 that congressional district to serve as an additional member of
8 the State central committee until his or her successor is
9 elected at the general primary election in 1986. Each
10 congressional committee shall make this appointment by voting
11 on the basis set forth in paragraph (e) of this Section. In
12 each congressional district at the general primary election
13 held in 1986 and every 4 years thereafter, the male candidate
14 receiving the highest number of votes of the party's male
15 candidates for State central committeeman, and the female
16 candidate receiving the highest number of votes of the party's
17 female candidates for State central committeewoman, shall be
18 declared elected State central committeeman and State central
19 committeewoman from the district. At the general primary
20 election held in 1986 and every 4 years thereafter, if all a
21 party's candidates for State central committeemen or State
22 central committeewomen from a congressional district are of the
23 same sex, the candidate receiving the highest number of votes
24 shall be declared elected a State central committeeman or State
25 central committeewoman from the district, and, because of a
26 failure to elect one male and one female to the committee, a

1 vacancy shall be declared to exist in the office of the second
2 member of the State central committee from the district. This
3 vacancy shall be filled by appointment by the congressional
4 committee of the political party, and the person appointed to
5 fill the vacancy shall be a resident of the congressional
6 district and of the sex opposite that of the committeeman or
7 committeewoman elected at the general primary election. Each
8 congressional committee shall make this appointment by voting
9 on the basis set forth in paragraph (e) of this Section.

10 The Chairman of a State central committee composed as
11 provided in this Alternative B must be selected from the
12 committee's members.

13 Except as provided for in Alternative A with respect to the
14 selection of the Chairman of the State central committee, under
15 both of the foregoing alternatives, the State central committee
16 of each political party shall be composed of members elected or
17 appointed from the several congressional districts of the
18 State, and of no other person or persons whomsoever. The
19 members of the State central committee shall, within 41 days
20 after each quadrennial election of the full committee, meet in
21 the city of Springfield and organize by electing a chairman,
22 and may at such time elect such officers from among their own
23 number (or otherwise), as they may deem necessary or expedient.
24 The outgoing chairman of the State central committee of the
25 party shall, 10 days before the meeting, notify each member of
26 the State central committee elected at the primary of the time

1 and place of such meeting. In the organization and proceedings
2 of the State central committee, each State central committeeman
3 and State central committeewoman shall have one vote for each
4 ballot voted in his or her congressional district by the
5 primary electors of his or her party at the primary election
6 immediately preceding the meeting of the State central
7 committee. Whenever a vacancy occurs in the State central
8 committee of any political party, the vacancy shall be filled
9 by appointment of the chairmen of the county central committees
10 of the political party of the counties located within the
11 congressional district in which the vacancy occurs and, if
12 applicable, the ward and township committeemen of the political
13 party in counties of 2,000,000 or more inhabitants located
14 within the congressional district. If the congressional
15 district in which the vacancy occurs lies wholly within a
16 county of 2,000,000 or more inhabitants, the ward and township
17 committeemen of the political party in that congressional
18 district shall vote to fill the vacancy. In voting to fill the
19 vacancy, each chairman of a county central committee and each
20 ward and township committeeman in counties of 2,000,000 or more
21 inhabitants shall have one vote for each ballot voted in each
22 precinct of the congressional district in which the vacancy
23 exists of his or her county, township, or ward cast by the
24 primary electors of his or her party at the primary election
25 immediately preceding the meeting to fill the vacancy in the
26 State central committee. The person appointed to fill the

1 vacancy shall be a resident of the congressional district in
2 which the vacancy occurs, shall be a qualified voter, and, in a
3 committee composed as provided in Alternative B, shall be of
4 the same sex as his or her predecessor. A political party may,
5 by a majority vote of the delegates of any State convention of
6 such party, determine to return to the election of State
7 central committeeman and State central committeewoman by the
8 vote of primary electors. Any action taken by a political party
9 at a State convention in accordance with this Section shall be
10 reported to the State Board of Elections by the chairman and
11 secretary of such convention within 10 days after such action.

12 Ward, Township and Precinct Committeemen

13 (b) At the primary in 1972 and at the general primary
14 election every 4 years thereafter, each primary elector in
15 cities having a population of 200,000 or over may vote for one
16 candidate of his party in his ward for ward committeeman. Each
17 candidate for ward committeeman must be a resident of and in
18 the ward where he seeks to be elected ward committeeman. The
19 one having the highest number of votes shall be such ward
20 committeeman of such party for such ward. At the primary
21 election in 1970 and at the general primary election every 4
22 years thereafter, each primary elector in counties containing a
23 population of 2,000,000 or more, outside of cities containing a
24 population of 200,000 or more, may vote for one candidate of
25 his party for township committeeman. Each candidate for
26 township committeeman must be a resident of and in the township

1 or part of a township (which lies outside of a city having a
2 population of 200,000 or more, in counties containing a
3 population of 2,000,000 or more), and in which township or part
4 of a township he seeks to be elected township committeeman. The
5 one having the highest number of votes shall be such township
6 committeeman of such party for such township or part of a
7 township. At the primary in 1970 and at the general primary
8 election every 2 years thereafter, each primary elector, except
9 in counties having a population of 2,000,000 or over, may vote
10 for one candidate of his party in his precinct for precinct
11 committeeman. Each candidate for precinct committeeman must be
12 a bona fide resident of the precinct where he seeks to be
13 elected precinct committeeman. The one having the highest
14 number of votes shall be such precinct committeeman of such
15 party for such precinct. The official returns of the primary
16 shall show the name of the committeeman of each political
17 party.

18 Terms of Committeemen. All precinct committeemen elected
19 under the provisions of this Article shall continue as such
20 committeemen until the date of the primary to be held in the
21 second year after their election. Except as otherwise provided
22 in this Section for certain State central committeemen who have
23 2 year terms, all State central committeemen, township
24 committeemen and ward committeemen shall continue as such
25 committeemen until the date of primary to be held in the fourth
26 year after their election. However, a vacancy exists in the

1 office of precinct committeeman when a precinct committeeman
2 ceases to reside in the precinct in which he was elected and
3 such precinct committeeman shall thereafter neither have nor
4 exercise any rights, powers or duties as committeeman in that
5 precinct, even if a successor has not been elected or
6 appointed.

7 (c) The Multi-Township Central Committee shall consist of
8 the precinct committeemen of such party, in the multi-township
9 assessing district formed pursuant to Section 2-10 of the
10 Property Tax Code and shall be organized for the purposes set
11 forth in Section 45-25 of the Township Code. In the
12 organization and proceedings of the Multi-Township Central
13 Committee each precinct committeeman shall have one vote for
14 each ballot voted in his precinct by the primary electors of
15 his party at the primary at which he was elected.

16 County Central Committee

17 (d) The county central committee of each political party in
18 each county shall consist of the various township committeemen,
19 precinct committeemen and ward committeemen, if any, of such
20 party in the county. In the organization and proceedings of the
21 county central committee, each precinct committeeman shall
22 have one vote for each ballot voted in his precinct by the
23 primary electors of his party at the primary at which he was
24 elected; each township committeeman shall have one vote for
25 each ballot voted in his township or part of a township as the
26 case may be by the primary electors of his party at the primary

1 election for the nomination of candidates for election to the
2 General Assembly immediately preceding the meeting of the
3 county central committee; and in the organization and
4 proceedings of the county central committee, each ward
5 committeeman shall have one vote for each ballot voted in his
6 ward by the primary electors of his party at the primary
7 election for the nomination of candidates for election to the
8 General Assembly immediately preceding the meeting of the
9 county central committee.

10 Cook County Board of Review Election District Committee

11 (d-1) Each board of review election district committee of
12 each political party in Cook County shall consist of the
13 various township committeemen and ward committeemen, if any, of
14 that party in the portions of the county composing the board of
15 review election district. In the organization and proceedings
16 of each of the 3 election district committees, each township
17 committeeman shall have one vote for each ballot voted in his
18 or her township or part of a township, as the case may be, by
19 the primary electors of his or her party at the primary
20 election immediately preceding the meeting of the board of
21 review election district committee; and in the organization and
22 proceedings of each of the 3 election district committees, each
23 ward committeeman shall have one vote for each ballot voted in
24 his or her ward or part of that ward, as the case may be, by the
25 primary electors of his or her party at the primary election
26 immediately preceding the meeting of the board of review

1 election district committee.

2 Congressional Committee

3 (e) The congressional committee of each party in each
4 congressional district shall be composed of the chairmen of the
5 county central committees of the counties composing the
6 congressional district, except that in congressional districts
7 wholly within the territorial limits of one county, the
8 precinct committeemen, township committeemen and ward
9 committeemen, if any, of the party representing the precincts
10 within the limits of the congressional district, shall compose
11 the congressional committee. A State central committeeman in
12 each district shall be a member and the chairman or, when a
13 district has 2 State central committeemen, a co-chairman of the
14 congressional committee, but shall not have the right to vote
15 except in case of a tie.

16 In the organization and proceedings of congressional
17 committees composed of precinct committeemen or township
18 committeemen or ward committeemen, or any combination thereof,
19 each precinct committeeman shall have one vote for each ballot
20 voted in his precinct by the primary electors of his party at
21 the primary at which he was elected, each township committeeman
22 shall have one vote for each ballot voted in his township or
23 part of a township as the case may be by the primary electors
24 of his party at the primary election immediately preceding the
25 meeting of the congressional committee, and each ward
26 committeeman shall have one vote for each ballot voted in each

1 precinct of his ward located in such congressional district by
2 the primary electors of his party at the primary election
3 immediately preceding the meeting of the congressional
4 committee; and in the organization and proceedings of
5 congressional committees composed of the chairmen of the county
6 central committees of the counties within such district, each
7 chairman of such county central committee shall have one vote
8 for each ballot voted in his county by the primary electors of
9 his party at the primary election immediately preceding the
10 meeting of the congressional committee.

11 Judicial District Committee

12 (f) The judicial district committee of each political party
13 in each judicial district shall be composed of the chairman of
14 the county central committees of the counties composing the
15 judicial district.

16 In the organization and proceedings of judicial district
17 committees composed of the chairmen of the county central
18 committees of the counties within such district, each chairman
19 of such county central committee shall have one vote for each
20 ballot voted in his county by the primary electors of his party
21 at the primary election immediately preceding the meeting of
22 the judicial district committee.

23 Circuit Court Committee

24 (g) The circuit court committee of each political party in
25 each judicial circuit outside Cook County shall be composed of
26 the chairmen of the county central committees of the counties

1 composing the judicial circuit.

2 In the organization and proceedings of circuit court
3 committees, each chairman of a county central committee shall
4 have one vote for each ballot voted in his county by the
5 primary electors of his party at the primary election
6 immediately preceding the meeting of the circuit court
7 committee.

8 Judicial Subcircuit Committee

9 (g-1) The judicial subcircuit committee of each political
10 party in each judicial subcircuit in a judicial circuit divided
11 into subcircuits shall be composed of (i) the ward and township
12 committeemen of the townships and wards composing the judicial
13 subcircuit in Cook County and (ii) the precinct committeemen of
14 the precincts composing the judicial subcircuit in any county
15 other than Cook County.

16 In the organization and proceedings of each judicial
17 subcircuit committee, each township committeeman shall have
18 one vote for each ballot voted in his township or part of a
19 township, as the case may be, in the judicial subcircuit by the
20 primary electors of his party at the primary election
21 immediately preceding the meeting of the judicial subcircuit
22 committee; each precinct committeeman shall have one vote for
23 each ballot voted in his precinct or part of a precinct, as the
24 case may be, in the judicial subcircuit by the primary electors
25 of his party at the primary election immediately preceding the
26 meeting of the judicial subcircuit committee; and each ward

1 committeeman shall have one vote for each ballot voted in his
2 ward or part of a ward, as the case may be, in the judicial
3 subcircuit by the primary electors of his party at the primary
4 election immediately preceding the meeting of the judicial
5 subcircuit committee.

6 Municipal Central Committee

7 (h) The municipal central committee of each political party
8 shall be composed of the precinct, township or ward
9 committeemen, as the case may be, of such party representing
10 the precincts or wards, embraced in such city, incorporated
11 town or village. The voting strength of each precinct, township
12 or ward committeeman on the municipal central committee shall
13 be the same as his voting strength on the county central
14 committee.

15 For political parties, other than a statewide political
16 party, established only within a municipality or township, the
17 municipal or township managing committee shall be composed of
18 the party officers of the local established party. The party
19 officers of a local established party shall be as follows: the
20 chairman and secretary of the caucus for those municipalities
21 and townships authorized by statute to nominate candidates by
22 caucus shall serve as party officers for the purpose of filling
23 vacancies in nomination under Section 7-61; for municipalities
24 and townships authorized by statute or ordinance to nominate
25 candidates by petition and primary election, the party officers
26 shall be the party's candidates who are nominated at the

1 primary. If no party primary was held because of the provisions
2 of Section 7-5, vacancies in nomination shall be filled by the
3 party's remaining candidates who shall serve as the party's
4 officers.

5 Powers

6 (i) Each committee and its officers shall have the powers
7 usually exercised by such committees and by the officers
8 thereof, not inconsistent with the provisions of this Article.
9 The several committees herein provided for shall not have power
10 to delegate any of their powers, or functions to any other
11 person, officer or committee, but this shall not be construed
12 to prevent a committee from appointing from its own membership
13 proper and necessary subcommittees.

14 (j) The State central committee of a political party which
15 elects its ~~it~~ members by Alternative B under paragraph (a) of
16 this Section shall adopt a plan to give effect to the delegate
17 selection rules of the national political party and file a copy
18 of such plan with the State Board of Elections when approved by
19 a national political party.

20 (k) For the purpose of the designation of a proxy by a
21 Congressional Committee to vote in place of an absent State
22 central committeeman or committeewoman at meetings of the State
23 central committee of a political party which elects its members
24 by Alternative B under paragraph (a) of this Section, the proxy
25 shall be appointed by the vote of the ward and township
26 committeemen, if any, of the wards and townships which lie

1 entirely or partially within the Congressional District from
2 which the absent State central committeeman or committeewoman
3 was elected and the vote of the chairmen of the county central
4 committees of those counties which lie entirely or partially
5 within that Congressional District and in which there are no
6 ward or township committeemen. When voting for such proxy, the
7 county chairman, ward committeeman or township committeeman,
8 as the case may be, shall have one vote for each ballot voted
9 in his county, ward or township, or portion thereof within the
10 Congressional District, by the primary electors of his party at
11 the primary at which he was elected. However, the absent State
12 central committeeman or committeewoman may designate a proxy
13 when permitted by the rules of a political party which elects
14 its members by Alternative B under paragraph (a) of this
15 Section.

16 Notwithstanding any law to the contrary, a person is
17 ineligible to hold the position of committeeperson in any
18 committee established pursuant to this Section if he or she is
19 statutorily ineligible to vote in a general election because of
20 conviction of a felony. When a committeeperson is convicted of
21 a felony, the position occupied by that committeeperson shall
22 automatically become vacant.

23 (Source: P.A. 94-645, eff. 8-22-05; 95-6, eff. 6-20-07; 95-699,
24 eff. 11-9-07; revised 9-6-16.)

1 Sec. 18A-5. Provisional voting; general provisions.

2 (a) A person who claims to be a registered voter is
3 entitled to cast a provisional ballot under the following
4 circumstances:

5 (1) The person's name does not appear on the official
6 list of eligible voters for the precinct in which the
7 person seeks to vote and the person has refused an
8 opportunity to register at the polling location or another
9 grace period registration site. The official list is the
10 centralized statewide voter registration list established
11 and maintained in accordance with Section 1A-25;

12 (2) The person's voting status has been challenged by
13 an election judge, a pollwatcher, or any legal voter and
14 that challenge has been sustained by a majority of the
15 election judges;

16 (3) A federal or State court order extends the time for
17 closing the polls beyond the time period established by
18 State law and the person votes during the extended time
19 period;

20 (4) The voter registered to vote by mail and is
21 required by law to present identification when voting
22 either in person or by early voting ballot, but fails to do
23 so;

24 (5) The voter's name appears on the list of voters who
25 voted during the early voting period, but the voter claims
26 not to have voted during the early voting period; ~~or~~

1 (6) The voter received a vote by mail ballot but did
2 not return the vote by mail ballot to the election
3 authority; or

4 (7) The voter attempted to register to vote on election
5 day, but failed to provide the necessary documentation.

6 (b) The procedure for obtaining and casting a provisional
7 ballot at the polling place shall be as follows:

8 (1) After first verifying through an examination of the
9 precinct register that the person's address is within the
10 precinct boundaries, an election judge at the polling place
11 shall notify a person who is entitled to cast a provisional
12 ballot pursuant to subsection (a) that he or she may cast a
13 provisional ballot in that election. An election judge must
14 accept any information provided by a person who casts a
15 provisional ballot that the person believes supports his or
16 her claim that he or she is a duly registered voter and
17 qualified to vote in the election. However, if the person's
18 residence address is outside the precinct boundaries, the
19 election judge shall inform the person of that fact, give
20 the person the appropriate telephone number of the election
21 authority in order to locate the polling place assigned to
22 serve that address, and instruct the person to go to the
23 proper polling place to vote.

24 (2) The person shall execute a written form provided by
25 the election judge that shall state or contain all of the
26 following that is available:

1 (i) an affidavit stating the following:

2 State of Illinois, County of,

3 Township, Precinct, Ward

4, I,, do solemnly

5 swear (or affirm) that: I am a citizen of the

6 United States; I am 18 years of age or older; I

7 have resided in this State and in this precinct for

8 30 days preceding this election; I have not voted

9 in this election; I am a duly registered voter in

10 every respect; and I am eligible to vote in this

11 election. Signature Printed Name of Voter

12 Printed Residence Address of Voter

13 City State Zip Code Telephone

14 Number Date of Birth and Illinois

15 Driver's License Number or Last 4 digits of

16 Social Security Number or State

17 Identification Card Number issued to you by the

18 Illinois Secretary of State

19 (ii) A box for the election judge to check one of

20 the ~~6~~ reasons why the person was given a provisional

21 ballot under subsection (a) of this Section ~~18A-5~~.

22 (iii) An area for the election judge to affix his

23 or her signature and to set forth any facts that

24 support or oppose the allegation that the person is not

25 qualified to vote in the precinct in which the person

26 is seeking to vote.

1 The written affidavit form described in this
2 subsection (b) (2) must be printed on a multi-part form
3 prescribed by the county clerk or board of election
4 commissioners, as the case may be.

5 (3) After the person executes the portion of the
6 written affidavit described in subsection (b) (2) (i) of
7 this Section, the election judge shall complete the portion
8 of the written affidavit described in subsection
9 (b) (2) (iii) and (b) (2) (iv).

10 (4) The election judge shall give a copy of the
11 completed written affidavit to the person. The election
12 judge shall place the original written affidavit in a
13 self-adhesive clear plastic packing list envelope that
14 must be attached to a separate envelope marked as a
15 "provisional ballot envelope". The election judge shall
16 also place any information provided by the person who casts
17 a provisional ballot in the clear plastic packing list
18 envelope. Each county clerk or board of election
19 commissioners, as the case may be, must design, obtain or
20 procure self-adhesive clear plastic packing list envelopes
21 and provisional ballot envelopes that are suitable for
22 implementing this subsection (b) (4) of this Section.

23 (5) The election judge shall provide the person with a
24 provisional ballot, written instructions for casting a
25 provisional ballot, and the provisional ballot envelope
26 with the clear plastic packing list envelope affixed to it,

1 which contains the person's original written affidavit
2 and, if any, information provided by the provisional voter
3 to support his or her claim that he or she is a duly
4 registered voter. An election judge must also give the
5 person written information that states that any person who
6 casts a provisional ballot shall be able to ascertain,
7 pursuant to guidelines established by the State Board of
8 Elections, whether the provisional vote was counted in the
9 official canvass of votes for that election and, if the
10 provisional vote was not counted, the reason that the vote
11 was not counted.

12 (6) After the person has completed marking his or her
13 provisional ballot, he or she shall place the marked ballot
14 inside of the provisional ballot envelope, close and seal
15 the envelope, and return the envelope to an election judge,
16 who shall then deposit the sealed provisional ballot
17 envelope into a securable container separately identified
18 and utilized for containing sealed provisional ballot
19 envelopes. Ballots that are provisional because they are
20 cast after 7:00 p.m. by court order shall be kept separate
21 from other provisional ballots. Upon the closing of the
22 polls, the securable container shall be sealed with
23 filament tape provided for that purpose, which shall be
24 wrapped around the box lengthwise and crosswise, at least
25 twice each way, and each of the election judges shall sign
26 the seal.

1 (c) Instead of the affidavit form described in subsection
2 (b), the county clerk or board of election commissioners, as
3 the case may be, may design and use a multi-part affidavit form
4 that is imprinted upon or attached to the provisional ballot
5 envelope described in subsection (b). If a county clerk or
6 board of election commissioners elects to design and use its
7 own multi-part affidavit form, then the county clerk or board
8 of election commissioners shall establish a mechanism for
9 accepting any information the provisional voter has supplied to
10 the election judge to support his or her claim that he or she
11 is a duly registered voter. In all other respects, a county
12 clerk or board of election commissioners shall establish
13 procedures consistent with subsection (b).

14 (d) The county clerk or board of election commissioners, as
15 the case may be, shall use the completed affidavit form
16 described in subsection (b) to update the person's voter
17 registration information in the State voter registration
18 database and voter registration database of the county clerk or
19 board of election commissioners, as the case may be. If a
20 person is later determined not to be a registered voter based
21 on Section 18A-15 of this Code, then the affidavit shall be
22 processed by the county clerk or board of election
23 commissioners, as the case may be, as a voter registration
24 application.

25 (Source: P.A. 97-766, eff. 7-6-12; 98-691, eff. 7-1-14;
26 98-1171, eff. 6-1-15; revised 9-2-16.)

1 (10 ILCS 5/20-5) (from Ch. 46, par. 20-5)

2 Sec. 20-5. The election authority shall fold the ballot or
3 ballots in the manner specified by the statute for folding
4 ballots prior to their deposit in the ballot box and shall
5 enclose such ballot in an envelope unsealed to be furnished by
6 it, which envelope shall bear upon the face thereof the name,
7 official title and post office address of the election
8 authority, and upon the other side of such envelope there shall
9 be printed a certification in substantially the following form:

10 "CERTIFICATION

11 I state that I am a resident/former resident of the
12 precinct of the city/village/township of,
13 (Designation to be made by Election Authority) or of the
14 ward in the city of (Designation to be made by
15 Election Authority) residing at in said
16 city/village/township in the county of and State of
17 Illinois; that I am a

- 18 1. () member of the United States Service
- 19 2. () citizen of the United States temporarily residing
20 outside the territorial limits of the United States
- 21 3. () nonresident civilian citizen

22 and desire to cast the enclosed ballot pursuant to Article 20
23 of the ~~The~~ Election Code; that I am lawfully entitled to vote
24 in such precinct at the election to be held on
25

1 I further state that I marked the enclosed ballot in
2 secret.

3 Under penalties as provided by law pursuant to Article 29
4 of the ~~The~~ Election Code, the undersigned certifies that the
5 statements set forth in this certification are true and
6 correct.

7 (Name)
8
9 (Service Address)
10
11
12 "

13 If the ballot enclosed is to be voted at a primary
14 election, the certification shall designate the name of the
15 political party with which the voter is affiliated.

16 In addition to the above, the election authority shall
17 provide printed slips giving full instructions regarding the
18 manner of completing the forms and affidavits for registration
19 by mail or the manner of marking and returning the ballot in
20 order that the same may be counted, and shall furnish one of
21 the printed slips to each of the applicants at the same time
22 the registration materials or ballot is delivered to him.

23 In addition to the above, if a ballot to be provided to an
24 elector pursuant to this Section contains a public question
25 described in subsection (b) of Section 28-6 and the territory
26 concerning which the question is to be submitted is not

1 described on the ballot due to the space limitations of such
2 ballot, the election authority shall provide a printed copy of
3 a notice of the public question, which shall include a
4 description of the territory in the manner required by Section
5 16-7. The notice shall be furnished to the elector at the same
6 time the ballot is delivered to the elector.

7 The envelope in which such registration or such ballot is
8 mailed to the voter as well as the envelope in which the
9 registration materials or the ballot is returned by the voter
10 shall have printed across the face thereof two parallel
11 horizontal red bars, each one-quarter inch wide, extending from
12 one side of the envelope to the other side, with an intervening
13 space of one-quarter inch, the top bar to be one and
14 one-quarter inches from the top of the envelope, and with the
15 words "Official Election Balloting Material-VIA AIR MAIL"
16 between the bars. In the upper right corner of such envelope in
17 a box, there shall be printed the words: "U.S. Postage Paid 42
18 USC 1973". All printing on the face of such envelopes shall be
19 in red, including an appropriate inscription or blank in the
20 upper left corner of return address of sender.

21 The envelope in which the ballot is returned to the
22 election authority may be delivered (i) by mail, postage paid,
23 (ii) in person, by the spouse, parent, child, brother, or
24 sister of the voter, or (iii) by a company engaged in the
25 business of making deliveries of property and licensed as a
26 motor carrier of property by the Illinois Commerce Commission

1 under the Illinois Commercial Transportation Law.

2 Election authorities transmitting ballots by facsimile or
3 electronic transmission shall, to the extent possible, provide
4 those applicants with the same instructions, certification,
5 and other materials required when sending by mail.

6 (Source: P.A. 98-1171, eff. 6-1-15; revised 10-25-16.)

7 (10 ILCS 5/20-13) (from Ch. 46, par. 20-13)

8 Sec. 20-13. If otherwise qualified to vote, any person not
9 covered by Section ~~Sections~~ 20-2, 20-2.1, or 20-2.2 of this
10 Article who is not registered to vote and who is temporarily
11 absent from his county of residence, may make special
12 application to the election authority having jurisdiction over
13 his precinct of permanent residence, not less than 5 days
14 before a presidential election, for a vote by mail ballot to
15 vote for the president and vice-president only. Such
16 application shall be furnished by the election authority and
17 shall be in substantially the following form:

18 SPECIAL VOTE BY MAIL BALLOT APPLICATION (For use by
19 non-registered Illinois residents temporarily absent from the
20 county to vote for the president and vice-president only)

21 AFFIDAVIT

22 1. I hereby request a vote by mail ballot to vote for the
23 president and vice-president only (insert date of
24 general election)

25 2. I am a citizen of the United States and a permanent

1 resident of Illinois.

2 3. I have maintained, and still maintain, a permanent abode
3 in Illinois for the past years at:
4 (House) (Number) (Street)
5 (City) (Village) (Town)

6 4. I will not be able to regularly register in person as a
7 voter because (Give reason for temporary
8 absence such as "Student", "Temporary job transfer", etc.)

9 5. I was born (Month) (Day)
10 (Year) in (State or County);

11 6. To be filled in only by a person who is foreign-born (If
12 answer is "yes" in either a. or b. below, fill in appropriate
13 information in c.):

14 a. One or both of my parents were United States citizens at
15 the time of my birth?

16 () YES () NO~~+~~

17 b. My United States citizenship was derived through an act
18 of the Congress of the United States?

19 () YES () NO

20 c. The name of the court issuing papers and the date
21 thereof upon which my United States citizenship was derived is
22 located in (City)
23 (State) on (Month) (Day)
24 (Year)

25 (For persons who derived citizenship through papers issued
26 through a parent or spouse, fill in the following)

1 (1) My parents or spouse's name is:
2 (First) (Middle) (Last)

3 (2) (Month) (Day) (Year)

4 is the date of my marriage or my age at which time I
5 derived my citizenship.

6 7. I am not registered as a voter in any other county in
7 the State of Illinois or in any other State.

8 8. I am not requesting a ballot from any other place and am
9 not voting in any other manner in this election and I have not
10 voted and do not intend to vote in this election at any other
11 address. I request that you mail my ballot to the following
12 address:

13 (Print name and complete mailing address)

14

15

16

17 9. Under penalties as provided by law pursuant to Article
18 29 of The Election Code, the undersigned certifies that the
19 statements set forth in this application are true and correct.

20

21 Signature of Applicant

22 The procedures set forth in Sections 20-4 through 20-12 of
23 this Article, insofar as they may be made applicable, shall be
24 applicable to vote by mail voting under this Section.

25 (Source: P.A. 98-1171, eff. 6-1-15; revised 9-6-16.)

1 (10 ILCS 5/24A-15.1) (from Ch. 46, par. 24A-15.1)

2 Sec. 24A-15.1. Except as herein provided, discovery
3 recounts and election contests shall be conducted as otherwise
4 provided for in this ~~"The Election Code", as amended~~. The
5 automatic tabulating equipment shall be tested prior to the
6 discovery recount or election contest as provided in Section
7 24A-9, and then the official ballots or ballot cards shall be
8 recounted on the automatic tabulating equipment. In addition,
9 (1) the ballot or ballot cards shall be checked for the
10 presence or absence of judges' initials and other
11 distinguishing marks, and (2) the ballots marked "Rejected",
12 "Defective", "Objected to", "Vote by Mail Ballot", and "Early
13 Ballot" shall be examined to determine the propriety of the
14 labels, and (3) the "Duplicate Vote by Mail Ballots",
15 "Duplicate Early Ballots", "Duplicate Overvoted Ballots",
16 "Duplicate Damaged Ballots" shall be compared with their
17 respective originals to determine the correctness of the
18 duplicates.

19 Any person who has filed a petition for discovery recount
20 may request that a redundant count be conducted in those
21 precincts in which the discovery recount is being conducted.
22 The additional costs of such a redundant count shall be borne
23 by the requesting party.

24 The log of the computer operator and all materials retained
25 by the election authority in relation to vote tabulation and
26 canvass shall be made available for any discovery recount or

1 election contest.

2 (Source: P.A. 98-756, eff. 7-16-14; 98-1171, eff. 6-1-15;
3 revised 9-2-16.)

4 Section 75. The State Budget Law of the Civil
5 Administrative Code of Illinois is amended by changing Section
6 50-15 as follows:

7 (15 ILCS 20/50-15) (was 15 ILCS 20/38.2)

8 Sec. 50-15. Department accountability reports.

9 (a) Beginning in the fiscal year which begins July 1, 1992,
10 each department of State government as listed in Section 5-15
11 of the Departments of State Government Law (20 ILCS 5/5-15)
12 shall submit an annual accountability report to the Bureau of
13 the Budget (now Governor's Office of Management and Budget) at
14 times designated by the Director of the Bureau of the Budget
15 (now Governor's Office of Management and Budget). Each
16 accountability report shall be designed to assist the Bureau
17 (now Office) in its duties under Sections 2.2 and 2.3 of the
18 Governor's Office of Management and Budget Act and shall
19 measure the department's performance based on criteria, goals,
20 and objectives established by the department with the oversight
21 and assistance of the Bureau (now Office). Each department
22 shall also submit interim progress reports at times designated
23 by the Director of the Bureau (now Office).

24 (b) (Blank).

1 (c) The Director of the Bureau (now Office) shall select
2 not more than 3 departments for a pilot program implementing
3 the procedures of subsection (a) for budget requests for the
4 fiscal years beginning July 1, 1990 and July 1, 1991, and each
5 of the departments elected shall submit accountability reports
6 for those fiscal years.

7 By April 1, 1991, the Bureau (now Office) shall recommend
8 in writing to the Governor any changes in the budget review
9 process established pursuant to this Section suggested by its
10 evaluation of the pilot program. The Governor shall submit
11 changes to the budget review process that the Governor plans to
12 adopt, based on the report, to the President and Minority
13 Leader of the Senate and the Speaker and Minority Leader of the
14 House of Representatives.

15 (Source: P.A. 94-793, eff. 5-19-06; revised 9-19-16.)

16 Section 80. The Secretary of State Act is amended by
17 changing Section 6 as follows:

18 (15 ILCS 305/6) (from Ch. 124, par. 6)

19 Sec. 6. The Secretary of State shall keep a current file,
20 in alphabetical order, of every sanitary district in the State.
21 Whenever an ordinance for a name change is passed pursuant to
22 Section 4.1 of the "Sanitary District Act of 1917, ~~as now or~~
23 ~~hereafter amended~~, he shall make the certification required by
24 that Section.

1 (Source: P.A. 80-424; revised 9-19-16.)

2 Section 85. The Illinois Identification Card Act is amended
3 by changing Sections 1A, 5, and 12 as follows:

4 (15 ILCS 335/1A)

5 Sec. 1A. Definitions. As used in this Act:

6 "Highly restricted personal information" means an
7 individual's photograph, signature, social security number,
8 and medical or disability information.

9 "Identification card making implement" means any material,
10 hardware, or software that is specifically designed for or
11 primarily used in the manufacture, assembly, issuance, or
12 authentication of an official identification card issued by the
13 Secretary of State.

14 "Fraudulent identification card" means any identification
15 card that purports to be an official identification card for
16 which a computerized number and file have not been created by
17 the Secretary of State, the United States Government or any
18 state or political subdivision thereof, or any governmental or
19 quasi-governmental organization. For the purpose of this Act,
20 any identification card that resembles an official
21 identification card in either size, color, photograph
22 location, or design or uses the word "official", "state",
23 "Illinois", or the name of any other state or political
24 subdivision thereof, or any governmental or quasi-governmental

1 organization individually or in any combination thereof to
2 describe or modify the term "identification card" or "I.D.
3 card" anywhere on the card, or uses a shape in the likeness of
4 Illinois or any other state on the photograph side of the card,
5 is deemed to be a fraudulent identification card unless the
6 words "This is not an official Identification Card", appear
7 prominently upon it in black colored lettering in 12-point ~~12~~
8 ~~point~~ type on the photograph side of the card, and no such card
9 shall be smaller in size than 3 inches by 4 inches, and the
10 photograph shall be on the left side of the card only.

11 "Legal name" means the full given name and surname of an
12 individual as recorded at birth, recorded at marriage, or
13 deemed as the correct legal name for use in reporting income by
14 the Social Security Administration or the name as otherwise
15 established through legal action that appears on the associated
16 official document presented to the Secretary of State.

17 "Personally identifying information" means information
18 that identifies an individual, including his or her
19 identification card number, name, address (but not the 5-digit
20 zip code), and telephone number.

21 "Homeless person" or "homeless individual" has the same
22 meaning as defined by the federal McKinney-Vento Homeless
23 Assistance Act, 42 U.S.C. 11302, or 42 U.S.C. 11434a(2).

24 "Youth for whom the Department of Children and Family
25 Services is legally responsible ~~for~~" or "foster ~~"Foster~~ child"
26 means a child or youth whose guardianship or custody has been

1 accepted by the Department of Children and Family Services
2 pursuant to the Juvenile Court Act of 1987, the Children and
3 Family Services Act, the Abused and Neglected Child Reporting
4 Act, and the Adoption Act. This applies to children for whom
5 the Department of Children and Family Services has temporary
6 protective custody, custody or guardianship via court order, or
7 children whose parents have signed an adoptive surrender or
8 voluntary placement agreement with the Department.

9 (Source: P.A. 99-659, eff. 7-28-16; revised 10-3-16.)

10 (15 ILCS 335/5) (from Ch. 124, par. 25)

11 Sec. 5. Applications.

12 (a) Any natural person who is a resident of the State of
13 Illinois may file an application for an identification card, or
14 for the renewal thereof, in a manner prescribed by the
15 Secretary. Each original application shall be completed by the
16 applicant in full and shall set forth the legal name, residence
17 address and zip code, social security number, birth date, sex
18 and a brief description of the applicant. The applicant shall
19 be photographed, unless the Secretary of State has provided by
20 rule for the issuance of identification cards without
21 photographs and the applicant is deemed eligible for an
22 identification card without a photograph under the terms and
23 conditions imposed by the Secretary of State, and he or she
24 shall also submit any other information as the Secretary may
25 deem necessary or such documentation as the Secretary may

1 require to determine the identity of the applicant. In addition
2 to the residence address, the Secretary may allow the applicant
3 to provide a mailing address. If the applicant is a judicial
4 officer as defined in Section 1-10 of the Judicial Privacy Act
5 or a peace officer, the applicant may elect to have his or her
6 office or work address in lieu of the applicant's residence or
7 mailing address. An applicant for an Illinois Person with a
8 Disability Identification Card must also submit with each
9 original or renewal application, on forms prescribed by the
10 Secretary, such documentation as the Secretary may require,
11 establishing that the applicant is a "person with a disability"
12 as defined in Section 4A of this Act, and setting forth the
13 applicant's type and class of disability as set forth in
14 Section 4A of this Act. For the purposes of this subsection
15 (a), "peace officer" means any person who by virtue of his or
16 her office or public employment is vested by law with a duty to
17 maintain public order or to make arrests for a violation of any
18 penal statute of this State, whether that duty extends to all
19 violations or is limited to specific violations.

20 (b) Beginning on or before July 1, 2015, for each original
21 or renewal identification card application under this Act, the
22 Secretary shall inquire as to whether the applicant is a
23 veteran for purposes of issuing an identification card with a
24 veteran designation under subsection (c-5) of Section 4 of this
25 Act. The acceptable forms of proof shall include, but are not
26 limited to, Department of Defense form DD-214. The Illinois

1 Department of Veterans' Affairs shall advise the Secretary as
2 to what other forms of proof of a person's status as a veteran
3 are acceptable.

4 The Illinois Department of Veterans' Affairs shall confirm
5 the status of the applicant as an honorably discharged veteran
6 before the Secretary may issue the identification card.

7 For purposes of this subsection (b):

8 "Armed forces" means any of the Armed Forces of the United
9 States, including a member of any reserve component or National
10 Guard unit.

11 "Veteran" means a person who has served in the armed forces
12 and was discharged or separated under honorable conditions.

13 (c) Beginning July 1, 2017, all applicants for standard
14 Illinois Identification Cards and Illinois Person with a
15 Disability Identification Cards shall provide proof of lawful
16 status in the United States as defined in 6 CFR 37.3, as
17 amended. Applicants who are unable to provide the Secretary
18 with proof of lawful status are ineligible for identification
19 cards under this Act.

20 (Source: P.A. 98-323, eff. 1-1-14; 98-463, eff. 8-16-13;
21 99-511, eff. 1-1-17; 99-544, eff. 7-15-16; revised 9-21-16.)

22 (15 ILCS 335/12) (from Ch. 124, par. 32)

23 (Text of Section before amendment by P.A. 99-907)

24 Sec. 12. Fees concerning standard ~~Standard~~ Illinois
25 Identification Cards. The fees required under this Act for

1 standard Illinois Identification Cards must accompany any
 2 application provided for in this Act, and the Secretary shall
 3 collect such fees as follows:

4	a. Original card	\$20
5	b. Renewal card	20
6	c. Corrected card	10
7	d. Duplicate card	20
8	e. Certified copy with seal	5
9	f. Search	2
10	g. Applicant 65 years of age or over	No Fee
11	h. (Blank)	
12	i. Individual living in Veterans	
13	Home or Hospital	No Fee
14	j. Original card under 18 years of age	\$10
15	k. Renewal card under 18 years of age	\$10
16	l. Corrected card under 18 years of age	\$5
17	m. Duplicate card under 18 years of age	\$10
18	n. Homeless person	No Fee
19	o. Duplicate card issued to an active-duty	
20	member of the United States Armed Forces, the	
21	member's spouse, or dependent children	
22	living with the member	No Fee
23	p. Duplicate temporary card	\$5
24	<u>q.</u> p. First card issued to a youth	
25	for whom the Department of Children	
26	and Family Services is legally responsible	

1 ~~for~~ or a foster child upon turning the age of
2 16 years old until he or she reaches
3 ~~they reach~~ the age of 21 years old..... No Fee

4 All fees collected under this Act shall be paid into the
5 Road Fund of the State treasury, except that the following
6 amounts shall be paid into the General Revenue Fund: (i) 80% of
7 the fee for an original, renewal, or duplicate Illinois
8 Identification Card issued on or after January 1, 2005; and
9 (ii) 80% of the fee for a corrected Illinois Identification
10 Card issued on or after January 1, 2005.

11 An individual, who resides in a veterans home or veterans
12 hospital operated by the State ~~state~~ or federal government, who
13 makes an application for an Illinois Identification Card to be
14 issued at no fee, must submit, along with the application, an
15 affirmation by the applicant on a form provided by the
16 Secretary of State, that such person resides in a veterans home
17 or veterans hospital operated by the State ~~state~~ or federal
18 government.

19 The application of a homeless individual for an Illinois
20 Identification Card to be issued at no fee must be accompanied
21 by an affirmation by a qualified person, as defined in Section
22 4C of this Act, on a form provided by the Secretary of State,
23 that the applicant is currently homeless as defined in Section
24 1A of this Act.

25 For the application for the first Illinois Identification
26 Card of a youth for whom the Department of Children and Family

1 Services is legally responsible ~~for~~ or a foster child to be
2 issued at no fee, the youth must submit, along with the
3 application, an affirmation by his or her court appointed
4 attorney or an employee of the Department of Children and
5 Family Services on a form provided by the Secretary of State,
6 that the person is a youth for whom the Department of Children
7 and Family Services is legally responsible ~~for~~ or a foster
8 child.

9 The fee for any duplicate identification card shall be
10 waived for any person who presents the Secretary of State's
11 Office with a police report showing that his or her
12 identification card was stolen.

13 The fee for any duplicate identification card shall be
14 waived for any person age 60 or older whose identification card
15 has been lost or stolen.

16 As used in this Section, "active-duty member of the United
17 States Armed Forces" means a member of the Armed Services or
18 Reserve Forces of the United States or a member of the Illinois
19 National Guard who is called to active duty pursuant to an
20 executive order of the President of the United States, an act
21 of the Congress of the United States, or an order of the
22 Governor.

23 (Source: P.A. 99-607, eff. 7-22-16; 99-659, eff. 7-28-16;
24 revised 9-21-16.)

25 (Text of Section after amendment by P.A. 99-907)

1 Sec. 12. Fees concerning standard ~~Standard~~ Illinois
 2 Identification Cards. The fees required under this Act for
 3 standard Illinois Identification Cards must accompany any
 4 application provided for in this Act, and the Secretary shall
 5 collect such fees as follows:

6	a. Original card	\$20
7	b. Renewal card	20
8	c. Corrected card	10
9	d. Duplicate card	20
10	e. Certified copy with seal	5
11	f. Search	2
12	g. Applicant 65 years of age or over	No Fee
13	h. (Blank)	
14	i. Individual living in Veterans	
15	Home or Hospital	No Fee
16	j. Original card under 18 years of age	\$10
17	k. Renewal card under 18 years of age	\$10
18	l. Corrected card under 18 years of age	\$5
19	m. Duplicate card under 18 years of age	\$10
20	n. Homeless person	No Fee
21	o. Duplicate card issued to an active-duty	
22	member of the United States Armed Forces, the	
23	member's spouse, or dependent children	
24	living with the member	No Fee
25	p. Duplicate temporary card	\$5
26	<u>q.</u> p. First card issued to a youth	

1 for whom the Department of Children
 2 and Family Services is legally responsible
 3 ~~for~~ or a foster child upon turning the age of
 4 16 years old until he or she reaches
 5 ~~they reach~~ the age of 21 years old..... No Fee

6 r. p. Original card issued to a committed
 7 person upon release on parole,
 8 mandatory supervised release,
 9 aftercare release, final
 10 discharge, or pardon from the
 11 Department of Corrections or
 12 Department of Juvenile Justice No Fee

13 s. q. Limited-term Illinois Identification
 14 Card issued to a committed person
 15 upon release on parole, mandatory
 16 supervised release, aftercare
 17 release, final discharge, or pardon
 18 from the Department of
 19 Corrections or Department of
 20 Juvenile Justice No Fee

21 All fees collected under this Act shall be paid into the
 22 Road Fund of the State treasury, except that the following
 23 amounts shall be paid into the General Revenue Fund: (i) 80% of
 24 the fee for an original, renewal, or duplicate Illinois
 25 Identification Card issued on or after January 1, 2005; and
 26 (ii) 80% of the fee for a corrected Illinois Identification

1 Card issued on or after January 1, 2005.

2 An individual, who resides in a veterans home or veterans
3 hospital operated by the State ~~state~~ or federal government, who
4 makes an application for an Illinois Identification Card to be
5 issued at no fee, must submit, along with the application, an
6 affirmation by the applicant on a form provided by the
7 Secretary of State, that such person resides in a veterans home
8 or veterans hospital operated by the State ~~state~~ or federal
9 government.

10 The application of a homeless individual for an Illinois
11 Identification Card to be issued at no fee must be accompanied
12 by an affirmation by a qualified person, as defined in Section
13 4C of this Act, on a form provided by the Secretary of State,
14 that the applicant is currently homeless as defined in Section
15 1A of this Act.

16 For the application for the first Illinois Identification
17 Card of a youth for whom the Department of Children and Family
18 Services is legally responsible ~~for~~ or a foster child to be
19 issued at no fee, the youth must submit, along with the
20 application, an affirmation by his or her court appointed
21 attorney or an employee of the Department of Children and
22 Family Services on a form provided by the Secretary of State,
23 that the person is a youth for whom the Department of Children
24 and Family Services is legally responsible ~~for~~ or a foster
25 child.

26 The fee for any duplicate identification card shall be

1 waived for any person who presents the Secretary of State's
2 Office with a police report showing that his or her
3 identification card was stolen.

4 The fee for any duplicate identification card shall be
5 waived for any person age 60 or older whose identification card
6 has been lost or stolen.

7 As used in this Section, "active-duty member of the United
8 States Armed Forces" means a member of the Armed Services or
9 Reserve Forces of the United States or a member of the Illinois
10 National Guard who is called to active duty pursuant to an
11 executive order of the President of the United States, an act
12 of the Congress of the United States, or an order of the
13 Governor.

14 (Source: P.A. 99-607, eff. 7-22-16; 99-659, eff. 7-28-16;
15 99-907, eff. 7-1-17; revised 1-3-17.)

16 Section 90. The State Comptroller Act is amended by
17 changing Section 22 as follows:

18 (15 ILCS 405/22) (from Ch. 15, par. 222)

19 Sec. 22. Transition; Auditor ~~Transition-Auditor~~ of Public
20 Accounts to comptroller.

21 (a) Except as otherwise specifically provided by law, the
22 comptroller shall succeed to all rights, powers, duties and
23 liabilities of the Auditor of Public Accounts in effect on
24 January 7, 1973. Warrants outstanding on the effective date of

1 this Act shall be governed by the law in effect on January 7,
2 1973, except for such provisions of this Act as may be made
3 applicable to such warrants by regulation adopted by the
4 comptroller with the approval of the State Treasurer. All
5 books, records, equipment, property, and personnel held by, in
6 the custody of or employed by the Auditor of Public Accounts on
7 that date shall be transferred to the comptroller on the
8 effective date of this Act. This transfer of personnel from the
9 office of Auditor of Public Accounts to the office of the
10 comptroller shall in no way affect the status of such personnel
11 under the "Personnel Code" or the State Employees Retirement
12 System or as respects any employment benefits to which they
13 were entitled on the day immediately preceding the transfer.

14 (b) In order to achieve a smooth and orderly transition
15 from the system of accounts and reports maintained or provided
16 by or for the Auditor of Public Accounts to the new uniform
17 accounting system and the expanded reporting and
18 accountability for public funds required by this Act, and the
19 warrant and payroll procedures required by this Act which may
20 be different from those provided by the law in effect on
21 January 7, 1973, the comptroller may, by interim regulations,
22 provide for the gradual changeover to the new systems, forms
23 and procedures. The complete implementation of the new uniform
24 accounting system and of the forms and procedures for reporting
25 and documentation by all State agencies and the handling of
26 warrants and payroll, as provided by this Act, must be

1 finalized and in effect no later than July 1, 1974.

2 (c) The Warrant Escheat Fund, a special fund of which the
3 State Treasurer is ex officio ~~ex officio~~ custodian, as
4 heretofore established by law is retained.

5 (Source: P.A. 77-2807; revised 9-19-16.)

6 Section 95. The Department of Agriculture Law of the Civil
7 Administrative Code of Illinois is amended by changing Section
8 205-15 as follows:

9 (20 ILCS 205/205-15) (was 20 ILCS 205/40.7 and 205/40.8)

10 Sec. 205-15. Promotional activities.

11 (a) The Department has the power to encourage and promote,
12 in every practicable manner, the interests of agriculture,
13 including horticulture, the livestock industry, dairying,
14 cheese making, poultry, bee keeping, forestry, the production
15 of wool, and all other allied industries. In furtherance of the
16 duties set forth in this Section, the Department may establish
17 trust funds and bank accounts in adequately protected financial
18 institutions to receive and disburse monies in connection with
19 the conduct of food shows, food expositions, trade shows, and
20 other promotional activities and to sell at cost, to qualified
21 applicants, signs designating farms that have been owned for
22 100 years or more, 150 years or more, or 200 years or more by
23 lineal or collateral descendants of the same family as
24 "Centennial Farms", "Sesquicentennial Farms", or "Bicentennial

1 Farms" respectively. The Department shall provide applications
2 for the signs, which shall be submitted with the required fee.
3 "Centennial Farms", "Sesquicentennial Farms", and
4 "Bicentennial Farms" signs shall not contain within their
5 design the name, picture, or other likeness of any elected
6 public official or any appointed public official.

7 (b) The Department has the power to promote improved
8 methods of conducting the several industries described in
9 subsection (a) with a view to increasing the production and
10 facilitating the distribution thereof at the least cost.

11 (c) The Department may sell at cost, to qualified
12 applicants, signs designating an agribusiness that has been
13 operated for 100 years or more or more than 150 years or more
14 as the same agribusiness. As used in this subsection (c),
15 "agribusiness" means a business or businesses under the same
16 name or ownership that are collectively associated with the
17 production, processing, and distribution of agricultural
18 products. The Department shall provide applications for the
19 signs, which shall be submitted with the required fee.

20 (Source: P.A. 99-823, eff. 1-1-17; 99-824, eff. 8-16-16;
21 revised 10-11-16.)

22 Section 100. The Alcoholism and Other Drug Abuse and
23 Dependency Act is amended by changing Sections 5-23 and 10-15
24 as follows:

1 (20 ILCS 301/5-23)

2 Sec. 5-23. Drug Overdose Prevention Program.

3 (a) Reports of drug overdose.

4 (1) The Director of the Division of Alcoholism and
5 Substance Abuse shall publish annually a report on drug
6 overdose trends statewide that reviews State death rates
7 from available data to ascertain changes in the causes or
8 rates of fatal and nonfatal drug overdose. The report shall
9 also provide information on interventions that would be
10 effective in reducing the rate of fatal or nonfatal drug
11 overdose and shall include an analysis of drug overdose
12 information reported to the Department of Public Health
13 pursuant to subsection (e) of Section 3-3013 of the
14 Counties Code, Section 6.14g of the Hospital Licensing Act,
15 and subsection (j) of Section 22-30 of the School Code.

16 (2) The report may include:

17 (A) Trends in drug overdose death rates.

18 (B) Trends in emergency room utilization related
19 to drug overdose and the cost impact of emergency room
20 utilization.

21 (C) Trends in utilization of pre-hospital and
22 emergency services and the cost impact of emergency
23 services utilization.

24 (D) Suggested improvements in data collection.

25 (E) A description of other interventions effective
26 in reducing the rate of fatal or nonfatal drug

1 overdose.

2 (F) A description of efforts undertaken to educate
3 the public about unused medication and about how to
4 properly dispose of unused medication, including the
5 number of registered collection receptacles in this
6 State, mail-back programs, and drug take-back events.

7 (b) Programs; drug overdose prevention.

8 (1) The Director may establish a program to provide for
9 the production and publication, in electronic and other
10 formats, of drug overdose prevention, recognition, and
11 response literature. The Director may develop and
12 disseminate curricula for use by professionals,
13 organizations, individuals, or committees interested in
14 the prevention of fatal and nonfatal drug overdose,
15 including, but not limited to, drug users, jail and prison
16 personnel, jail and prison inmates, drug treatment
17 professionals, emergency medical personnel, hospital
18 staff, families and associates of drug users, peace
19 officers, firefighters, public safety officers, needle
20 exchange program staff, and other persons. In addition to
21 information regarding drug overdose prevention,
22 recognition, and response, literature produced by the
23 Department shall stress that drug use remains illegal and
24 highly dangerous and that complete abstinence from illegal
25 drug use is the healthiest choice. The literature shall
26 provide information and resources for substance abuse

1 treatment.

2 The Director may establish or authorize programs for
3 prescribing, dispensing, or distributing opioid
4 antagonists for the treatment of drug overdose. Such
5 programs may include the prescribing of opioid antagonists
6 for the treatment of drug overdose to a person who is not
7 at risk of opioid overdose but who, in the judgment of the
8 health care professional, may be in a position to assist
9 another individual during an opioid-related drug overdose
10 and who has received basic instruction on how to administer
11 an opioid antagonist.

12 (2) The Director may provide advice to State and local
13 officials on the growing drug overdose crisis, including
14 the prevalence of drug overdose incidents, programs
15 promoting the disposal of unused prescription drugs,
16 trends in drug overdose incidents, and solutions to the
17 drug overdose crisis.

18 (c) Grants.

19 (1) The Director may award grants, in accordance with
20 this subsection, to create or support local drug overdose
21 prevention, recognition, and response projects. Local
22 health departments, correctional institutions, hospitals,
23 universities, community-based organizations, and
24 faith-based organizations may apply to the Department for a
25 grant under this subsection at the time and in the manner
26 the Director prescribes.

1 (2) In awarding grants, the Director shall consider the
2 necessity for overdose prevention projects in various
3 settings and shall encourage all grant applicants to
4 develop interventions that will be effective and viable in
5 their local areas.

6 (3) The Director shall give preference for grants to
7 proposals that, in addition to providing life-saving
8 interventions and responses, provide information to drug
9 users on how to access drug treatment or other strategies
10 for abstaining from illegal drugs. The Director shall give
11 preference to proposals that include one or more of the
12 following elements:

13 (A) Policies and projects to encourage persons,
14 including drug users, to call 911 when they witness a
15 potentially fatal drug overdose.

16 (B) Drug overdose prevention, recognition, and
17 response education projects in drug treatment centers,
18 outreach programs, and other organizations that work
19 with, or have access to, drug users and their families
20 and communities.

21 (C) Drug overdose recognition and response
22 training, including rescue breathing, in drug
23 treatment centers and for other organizations that
24 work with, or have access to, drug users and their
25 families and communities.

26 (D) The production and distribution of targeted or

1 mass media materials on drug overdose prevention and
2 response, the potential dangers of keeping unused
3 prescription drugs in the home, and methods to properly
4 dispose of unused prescription drugs.

5 (E) Prescription and distribution of opioid
6 antagonists.

7 (F) The institution of education and training
8 projects on drug overdose response and treatment for
9 emergency services and law enforcement personnel.

10 (G) A system of parent, family, and survivor
11 education and mutual support groups.

12 (4) In addition to moneys appropriated by the General
13 Assembly, the Director may seek grants from private
14 foundations, the federal government, and other sources to
15 fund the grants under this Section and to fund an
16 evaluation of the programs supported by the grants.

17 (d) Health care professional prescription of opioid
18 antagonists.

19 (1) A health care professional who, acting in good
20 faith, directly or by standing order, prescribes or
21 dispenses an opioid antagonist to: (a) a patient who, in
22 the judgment of the health care professional, is capable of
23 administering the drug in an emergency, or (b) a person who
24 is not at risk of opioid overdose but who, in the judgment
25 of the health care professional, may be in a position to
26 assist another individual during an opioid-related drug

1 overdose and who has received basic instruction on how to
2 administer an opioid antagonist shall not, as a result of
3 his or her acts or omissions, be subject to: (i) any
4 disciplinary or other adverse action under the Medical
5 Practice Act of 1987, the Physician Assistant Practice Act
6 of 1987, the Nurse Practice Act, the Pharmacy Practice Act,
7 or any other professional licensing statute or (ii) any
8 criminal liability, except for willful and wanton
9 misconduct.

10 (2) A person who is not otherwise licensed to
11 administer an opioid antagonist may in an emergency
12 administer without fee an opioid antagonist if the person
13 has received the patient information specified in
14 paragraph (4) of this subsection and believes in good faith
15 that another person is experiencing a drug overdose. The
16 person shall not, as a result of his or her acts or
17 omissions, be (i) liable for any violation of the Medical
18 Practice Act of 1987, the Physician Assistant Practice Act
19 of 1987, the Nurse Practice Act, the Pharmacy Practice Act,
20 or any other professional licensing statute, or (ii)
21 subject to any criminal prosecution or civil liability,
22 except for willful and wanton misconduct.

23 (3) A health care professional prescribing an opioid
24 antagonist to a patient shall ensure that the patient
25 receives the patient information specified in paragraph
26 (4) of this subsection. Patient information may be provided

1 by the health care professional or a community-based
2 organization, substance abuse program, or other
3 organization with which the health care professional
4 establishes a written agreement that includes a
5 description of how the organization will provide patient
6 information, how employees or volunteers providing
7 information will be trained, and standards for documenting
8 the provision of patient information to patients.
9 Provision of patient information shall be documented in the
10 patient's medical record or through similar means as
11 determined by agreement between the health care
12 professional and the organization. The Director of the
13 Division of Alcoholism and Substance Abuse, in
14 consultation with statewide organizations representing
15 physicians, pharmacists, advanced practice nurses,
16 physician assistants, substance abuse programs, and other
17 interested groups, shall develop and disseminate to health
18 care professionals, community-based organizations,
19 substance abuse programs, and other organizations training
20 materials in video, electronic, or other formats to
21 facilitate the provision of such patient information.

22 (4) For the purposes of this subsection:

23 "Opioid antagonist" means a drug that binds to opioid
24 receptors and blocks or inhibits the effect of opioids
25 acting on those receptors, including, but not limited to,
26 naloxone hydrochloride or any other similarly acting drug

1 approved by the U.S. Food and Drug Administration.

2 "Health care professional" means a physician licensed
3 to practice medicine in all its branches, a licensed
4 physician assistant with prescriptive authority, a
5 licensed advanced practice nurse with prescriptive
6 authority, an advanced practice nurse or physician
7 assistant who practices in a hospital, hospital affiliate,
8 or ambulatory surgical treatment center and possesses
9 appropriate clinical privileges in accordance with the
10 Nurse Practice Act, or a pharmacist licensed to practice
11 pharmacy under the Pharmacy Practice Act.

12 "Patient" includes a person who is not at risk of
13 opioid overdose but who, in the judgment of the physician,
14 advanced practice nurse, or physician assistant, may be in
15 a position to assist another individual during an overdose
16 and who has received patient information as required in
17 paragraph (2) of this subsection on the indications for and
18 administration of an opioid antagonist.

19 "Patient information" includes information provided to
20 the patient on drug overdose prevention and recognition;
21 how to perform rescue breathing and resuscitation; opioid
22 antagonist dosage and administration; the importance of
23 calling 911; care for the overdose victim after
24 administration of the overdose antagonist; and other
25 issues as necessary.

26 (e) Drug overdose response policy.

1 (1) Every State and local government agency that
2 employs a law enforcement officer or fireman as those terms
3 are defined in the Line of Duty Compensation Act must
4 possess opioid antagonists and must establish a policy to
5 control the acquisition, storage, transportation, and
6 administration of such opioid antagonists and to provide
7 training in the administration of opioid antagonists. A
8 State or local government agency that employs a fireman as
9 defined in the Line of Duty Compensation Act but does not
10 respond to emergency medical calls or provide medical
11 services shall be exempt from this subsection.

12 (2) Every publicly or privately owned ambulance,
13 special emergency medical services vehicle, non-transport
14 vehicle, or ambulance assist vehicle, as described in the
15 Emergency Medical Services (EMS) Systems Act, which
16 responds to requests for emergency services or transports
17 patients between hospitals in emergency situations must
18 possess opioid antagonists.

19 (3) Entities that are required under paragraphs (1) and
20 (2) to possess opioid antagonists may also apply to the
21 Department for a grant to fund the acquisition of opioid
22 antagonists and training programs on the administration of
23 opioid antagonists.

24 (Source: P.A. 99-173, eff. 7-29-15; 99-480, eff. 9-9-15;
25 99-581, eff. 1-1-17; 99-642, eff. 7-28-16; revised 9-19-16.)

1 (20 ILCS 301/10-15)

2 Sec. 10-15. Qualification and appointment of members. The
3 membership of the Illinois Advisory Council shall consist of:

4 (a) A State's Attorney designated by the President of
5 the Illinois State's Attorneys Association.

6 (b) A judge designated by the Chief Justice of the
7 Illinois Supreme Court.

8 (c) A Public Defender appointed by the President of the
9 Illinois Public Defender ~~Defenders~~ Association.

10 (d) A local law enforcement officer appointed by the
11 Governor.

12 (e) A labor representative appointed by the Governor.

13 (f) An educator appointed by the Governor.

14 (g) A physician licensed to practice medicine in all
15 its branches appointed by the Governor with due regard for
16 the appointee's knowledge of the field of alcoholism and
17 other drug abuse and dependency.

18 (h) 4 members of the Illinois House of Representatives,
19 2 each appointed by the Speaker and Minority Leader.

20 (i) 4 members of the Illinois Senate, 2 each appointed
21 by the President and Minority Leader.

22 (j) The President of the Illinois Alcoholism and Drug
23 Dependence Association.

24 (k) An advocate for the needs of youth appointed by the
25 Governor.

26 (l) The President of the Illinois State Medical Society

1 or his or her designee.

2 (m) The President of the Illinois Hospital Association
3 or his or her designee.

4 (n) The President of the Illinois Nurses Association or
5 a registered nurse designated by the President.

6 (o) The President of the Illinois Pharmacists
7 Association or a licensed pharmacist designated by the
8 President.

9 (p) The President of the Illinois Chapter of the
10 Association of Labor-Management ~~Labor-Management~~
11 Administrators and Consultants on Alcoholism.

12 (p-1) The President of the Community Behavioral
13 Healthcare Association of Illinois or his or her designee.

14 (q) The Attorney General or his or her designee.

15 (r) The State Comptroller or his or her designee.

16 (s) 20 public members, 8 appointed by the Governor, 3
17 of whom shall be representatives of alcoholism or other
18 drug abuse and dependency treatment programs and one of
19 whom shall be a representative of a manufacturer or
20 importing distributor of alcoholic liquor licensed by the
21 State of Illinois, and 3 public members appointed by each
22 of the President and Minority Leader of the Senate and the
23 Speaker and Minority Leader of the House.

24 (t) The Director, Secretary, or other chief
25 administrative officer, ex officio, or his or her designee,
26 of each of the following: the Department on Aging, the

1 Department of Children and Family Services, the Department
2 of Corrections, the Department of Juvenile Justice, the
3 Department of Healthcare and Family Services, the
4 Department of Revenue, the Department of Public Health, the
5 Department of Financial and Professional Regulation, the
6 Department of State Police, the Administrative Office of
7 the Illinois Courts, the Criminal Justice Information
8 Authority, and the Department of Transportation.

9 (u) Each of the following, ex officio, or his or her
10 designee: the Secretary of State, the State Superintendent
11 of Education, and the Chairman of the Board of Higher
12 Education.

13 The public members may not be officers or employees of the
14 executive branch of State government; however, the public
15 members may be officers or employees of a State college or
16 university or of any law enforcement agency. In appointing
17 members, due consideration shall be given to the experience of
18 appointees in the fields of medicine, law, prevention,
19 correctional activities, and social welfare. Vacancies in the
20 public membership shall be filled for the unexpired term by
21 appointment in like manner as for original appointments, and
22 the appointive members shall serve until their successors are
23 appointed and have qualified. Vacancies among the public
24 members appointed by the legislative leaders shall be filled by
25 the leader of the same house and of the same political party as
26 the leader who originally appointed the member.

1 Each non-appointive member may designate a representative
2 to serve in his place by written notice to the Department. All
3 General Assembly members shall serve until their respective
4 successors are appointed or until termination of their
5 legislative service, whichever occurs first. The terms of
6 office for each of the members appointed by the Governor shall
7 be for 3 years, except that of the members first appointed, 3
8 shall be appointed for a term of one year, and 4 shall be
9 appointed for a term of 2 years. The terms of office of each of
10 the public members appointed by the legislative leaders shall
11 be for 2 years.

12 (Source: P.A. 94-1033, eff. 7-1-07; revised 9-12-16.)

13 Section 105. The Personnel Code is amended by changing
14 Section 10 as follows:

15 (20 ILCS 415/10) (from Ch. 127, par. 63b110)

16 Sec. 10. Duties and powers of the Commission. The Civil
17 Service Commission shall have duties and powers as follows:

18 (1) Upon written recommendations by the Director of the
19 Department of Central Management Services to exempt from
20 jurisdiction B of this Act positions which, in the judgment
21 of the Commission, involve either principal administrative
22 responsibility for the determination of policy or
23 principal administrative responsibility for the way in
24 which policies are carried out. This authority may not be

1 exercised, however, with respect to the position of
2 Assistant Director of Healthcare and Family Services in the
3 Department of Healthcare and Family Services.

4 (2) To require such special reports from the Director
5 as it may consider desirable.

6 (3) To disapprove original rules or any part thereof
7 within 90 days and any amendment thereof within 30 days
8 after the submission of such rules to the Civil Service
9 Commission by the Director, and to disapprove any
10 amendments thereto in the same manner.

11 (4) To approve or disapprove within 60 days from date
12 of submission the position classification plan ~~P.A.~~
13 submitted by the Director as provided in the rules, and any
14 revisions thereof within 30 days from the date of
15 submission.

16 (5) To hear appeals of employees who do not accept the
17 allocation of their positions under the position
18 classification plan.

19 (6) To hear and determine written charges filed seeking
20 the discharge, demotion of employees and suspension
21 totaling more than thirty days in any 12-month period, as
22 provided in Section 11 hereof, and appeals from transfers
23 from one geographical area in the State to another, and in
24 connection therewith to administer oaths, subpoena
25 witnesses, and compel the production of books and papers.

26 (7) The fees of subpoenaed witnesses under this Act for

1 attendance and travel shall be the same as fees of
2 witnesses before the circuit courts of the State, such fees
3 to be paid when the witness is excused from further
4 attendance. Whenever a subpoena is issued the Commission
5 may require that the cost of service and the fee of the
6 witness shall be borne by the party at whose insistence the
7 witness is summoned. The Commission has the power, at its
8 discretion, to require a deposit from such party to cover
9 the cost of service and witness fees and the payment of the
10 legal witness fee and mileage to the witness served with
11 the subpoena. A subpoena issued under this Act shall be
12 served in the same manner as a subpoena issued out of a
13 court.

14 Upon the failure or refusal to obey a subpoena, a
15 petition shall be prepared by the party serving the
16 subpoena for enforcement in the circuit court of the county
17 in which the person to whom the subpoena was directed
18 either resides or has his or her principal place of
19 business.

20 Not less than five days before the petition is filed in
21 the appropriate court, it shall be served on the person
22 along with a notice of the time and place the petition is
23 to be presented.

24 Following a hearing on the petition, the circuit court
25 shall have jurisdiction to enforce subpoenas issued
26 pursuant to this Section.

1 On motion and for good cause shown the Commission may
2 quash or modify any subpoena.

3 (8) To make an annual report regarding the work of the
4 Commission to the Governor, such report to be a public
5 report.

6 (9) If any violation of this Act is found, the
7 Commission shall direct compliance in writing.

8 (10) To appoint a full-time executive secretary and
9 such other employees, experts, and special assistants as
10 may be necessary to carry out the powers and duties of the
11 Commission under this Act and employees, experts, and
12 special assistants so appointed by the Commission shall be
13 subject to the provisions of jurisdictions A, B and C of
14 this Act. These powers and duties supersede any contrary
15 provisions herein contained.

16 (11) To make rules to carry out and implement their
17 powers and duties under this Act, with authority to amend
18 such rules from time to time.

19 (12) To hear or conduct investigations as it deems
20 necessary of appeals of layoff filed by employees appointed
21 under Jurisdiction B after examination provided that such
22 appeals are filed within 15 calendar days following the
23 effective date of such layoff and are made on the basis
24 that the provisions of the Personnel Code or of the Rules
25 of the Department of Central Management Services relating
26 to layoff have been violated or have not been complied

1 with.

2 All hearings shall be public. A decision shall be
3 rendered within 60 days after receipt of the transcript of
4 the proceedings. The Commission shall order the
5 reinstatement of the employee if it is proven that the
6 provisions of the Personnel Code or of the rules ~~Rules~~ of
7 the Department of Central Management Services relating to
8 layoff have been violated or have not been complied with.
9 In connection therewith the Commission may administer
10 oaths, subpoena witnesses, and compel the production of
11 books and papers.

12 (13) Whenever the Civil Service Commission is
13 authorized or required by law to consider some aspect of
14 criminal history record information for the purpose of
15 carrying out its statutory powers and responsibilities,
16 then, upon request and payment of fees in conformance with
17 the requirements of Section 2605-400 of the Department of
18 State Police Law (20 ILCS 2605/2605-400), the Department of
19 State Police is authorized to furnish, pursuant to positive
20 identification, such information contained in State files
21 as is necessary to fulfill the request.

22 (Source: P.A. 95-331, eff. 8-21-07; revised 9-6-16.)

23 Section 110. The Department of Commerce and Economic
24 Opportunity Law of the Civil Administrative Code of Illinois is
25 amended by changing the heading of Article 605 as follows:

1 (20 ILCS 605/Art. 605 heading)

2 ARTICLE 605. DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY
3 ~~COMMUNITY AFFAIRS~~

4 Section 115. The Technology Advancement and Development
5 Act is amended by changing Section 1004 as follows:

6 (20 ILCS 700/1004) (from Ch. 127, par. 3701-4)

7 Sec. 1004. Duties and powers. The Department of Commerce
8 and Economic Opportunity shall establish and administer any of
9 the programs authorized under this Act subject to the
10 availability of funds appropriated by the General Assembly. The
11 Department may make awards from general revenue fund
12 appropriations, federal reimbursement funds, and the
13 Technology Cooperation Fund, as provided under the provisions
14 of this Act. The Department, in addition to those powers
15 granted under the Civil Administrative Code of Illinois, is
16 granted the following powers to help administer the provisions
17 of this Act:

18 (a) To provide financial assistance as direct or
19 participation grants, loans, or qualified security
20 investments to, or on behalf of, eligible applicants.
21 Loans, grants, and investments shall be made for the
22 purpose of increasing research and development,
23 commercializing technology, adopting advanced production

1 and processing techniques, and promoting job creation and
2 retention within Illinois;

3 (b) To enter into agreements, accept funds or grants,
4 and engage in cooperation with agencies of the federal
5 government, local units of government, universities,
6 research foundations or institutions, regional economic
7 development corporations, or other organizations for the
8 purposes of this Act;

9 (c) To enter into contracts, agreements, and memoranda
10 of understanding; and to provide funds for participation
11 agreements or to make any other agreements or contracts or
12 to invest, grant, or loan funds to any participating
13 intermediary organizations, including not-for-profit
14 entities, for-profit entities, State agencies or
15 authorities, government owned and contract operated
16 facilities, institutions of higher education, other public
17 or private development corporations, or other entities
18 necessary or desirable to further the purpose of this Act.
19 Any such agreement or contract by an intermediary
20 organization to deliver programs authorized under this Act
21 may include terms and provisions, including, but not
22 limited to, organization and development of documentation,
23 review and approval of projects, servicing and
24 disbursement of funds, and other related activities;

25 (d) To fix, determine, charge, and collect any
26 premiums, fees, charges, costs, and expenses, including,

1 without limitation, any application fees, commitment fees,
2 program fees, financing charges, or publication fees in
3 connection with the Department's activities under this
4 Act;

5 (e) To establish forms for applications,
6 notifications, contracts, or any other agreements, and to
7 promulgate procedures, rules, or regulations deemed
8 necessary and appropriate;

9 (f) To establish and regulate the terms and conditions
10 of the Department's agreements and to consent, subject to
11 the provisions of any agreement with another party, to the
12 modification or restructuring of any agreement to which the
13 Department is a party;

14 (g) To require that recipients of financial assistance
15 shall at all times keep proper books of record and account
16 in accordance with generally accepted accounting
17 principles consistently applied, with such books open for
18 reasonable Department inspection and audits, including,
19 without limitation, the making of copies thereof;

20 (h) To require applicants or grantees receiving funds
21 under this Act to permit the Department to: (i) inspect and
22 audit any books, records or papers related to the project
23 in the custody or control of the applicant, including the
24 making of copies or extracts thereof, and (ii) inspect or
25 appraise any of the applicant's or grantee's business
26 assets;

1 (i) To require applicants or grantees, upon written
2 request by the Department, to issue any necessary
3 authorization to the appropriate federal, State, or local
4 authority for the release of information concerning a
5 business or business project financed under the provisions
6 of this Act, with the information requested to include, but
7 not be limited to, financial reports, returns, or records
8 relating to that business or business project;

9 (i-5) To provide staffing, administration, and related
10 support required to manage the programs authorized under
11 this Act and to pay for staffing and administration as
12 appropriated by the General Assembly. Administrative
13 responsibilities may include, but are not limited to,
14 research and identification of the needs of commerce and
15 industry in this State; design of comprehensive statewide
16 plans and programs; direction, management, and control of
17 specific projects; and communication and cooperation with
18 entities about technology commercialization and business
19 modernization;

20 (j) To take whatever actions are necessary or
21 appropriate to protect the State's interest in the event of
22 bankruptcy, default, foreclosure or noncompliance with the
23 terms and conditions of financial assistance or
24 participation required under this Act, including the power
25 to sell, dispose, lease or rent, upon terms and conditions
26 determined by the Director to be appropriate, real or

1 personal property which the Department may receive as a
2 result thereof; and

3 (k) To exercise ~~Exercise~~ such other powers as are
4 necessary to carry out the purposes of this Act.

5 (Source: P.A. 94-91, eff. 7-1-05; revised 9-6-16.)

6 Section 120. The Illinois Lottery Law is amended by
7 changing Sections 10.8 and 21.6 as follows:

8 (20 ILCS 1605/10.8)

9 Sec. 10.8. Specialty retailers license.

10 (a) "Veterans service organization" means an organization
11 that:

12 (1) is formed by and for United States military
13 veterans;

14 (2) is chartered by the United States Congress and
15 incorporated in the State of Illinois;

16 (3) maintains a state headquarters office in the State
17 of Illinois; and

18 (4) is not funded by the State of Illinois or by any
19 county in this State.

20 (b) The Department shall establish a special
21 classification of retailer license to facilitate the
22 year-round sale of the instant scratch-off lottery game
23 established by the General Assembly in Section 21.6. The fees
24 set forth in Section 10.2 do not apply to a specialty retailer

1 license.

2 The holder of a specialty retailer license (i) shall be a
3 veterans service organization, (ii) may sell only specialty
4 lottery tickets established for the benefit of the Illinois
5 Veterans Assistance Fund in the State treasury, (iii) is
6 required to purchase those tickets up front at face value from
7 the Illinois Lottery, and (iv) must sell those tickets at face
8 value. Specialty retailers may obtain a refund from the
9 Department for any unsold specialty tickets that they have
10 purchased for resale, as set forth in the specialty retailer
11 agreement.

12 Specialty retailers shall receive a sales commission equal
13 to 2% of the face value of specialty game tickets purchased
14 from the Department, less adjustments for unsold tickets
15 returned to the Illinois Lottery for credit. Specialty
16 retailers may not cash winning tickets, but are entitled to a
17 1% bonus in connection with the sale of a winning specialty
18 game ticket having a price value of \$1,000 or more.

19 (Source: P.A. 96-1105, eff. 7-19-10; 97-464, eff. 10-15-11;
20 revised 9-2-16.)

21 (20 ILCS 1605/21.6)

22 Sec. 21.6. Scratch-off for Illinois veterans.

23 (a) The Department shall offer a special instant
24 scratch-off game for the benefit of Illinois veterans. The game
25 shall commence on January 1, 2006 or as soon thereafter, at the

1 discretion of the Director, as is reasonably practical. The
2 operation of the game shall be governed by this Act and any
3 rules adopted by the Department. If any provision of this
4 Section is inconsistent with any other provision of this Act,
5 then this Section governs.

6 (b) The Illinois Veterans Assistance Fund is created as a
7 special fund in the State treasury. The net revenue from the
8 Illinois veterans scratch-off game shall be deposited into the
9 Fund for appropriation by the General Assembly solely to the
10 Department of Veterans' ~~Veterans~~ Affairs for making grants,
11 funding additional services, or conducting additional research
12 projects relating to each of the following:

13 (i) veterans' post traumatic stress disorder;

14 (ii) veterans' homelessness;

15 (iii) the health insurance costs of veterans;

16 (iv) veterans' disability benefits, including but not
17 limited to, disability benefits provided by veterans
18 service organizations and veterans assistance commissions
19 or centers;

20 (v) the long-term care of veterans; provided that,
21 beginning with moneys appropriated for fiscal year 2008, no
22 more than 20% of such moneys shall be used for health
23 insurance costs; and

24 (vi) veteran employment and employment training.

25 In order to expend moneys from this special fund, beginning
26 with moneys appropriated for fiscal year 2008, the Director of

1 Veterans' Affairs shall appoint a 3-member funding
2 authorization committee. The Director shall designate one of
3 the members as chairperson. The committee shall meet on a
4 quarterly basis, at a minimum, and shall authorize expenditure
5 of moneys from the special fund by a two-thirds vote. Decisions
6 of the committee shall not take effect unless and until
7 approved by the Director of Veterans' Affairs. Each member of
8 the committee shall serve until a replacement is named by the
9 Director of Veterans' Affairs. One member of the committee
10 shall be a member of the Veterans' Advisory Council.

11 Moneys collected from the special instant scratch-off game
12 shall be used only as a supplemental financial resource and
13 shall not supplant existing moneys that the Department of
14 Veterans' Affairs ~~Veterans~~ Affairs may currently expend for the
15 purposes set forth in items (i) through (v).

16 Moneys received for the purposes of this Section,
17 including, without limitation, net revenue from the special
18 instant scratch-off game and from gifts, grants, and awards
19 from any public or private entity, must be deposited into the
20 Fund. Any interest earned on moneys in the Fund must be
21 deposited into the Fund.

22 For purposes of this subsection, "net revenue" means the
23 total amount for which tickets have been sold less the sum of
24 the amount paid out in the prizes and the actual administrative
25 expenses of the Department solely related to the scratch-off
26 game under this Section.

1 (c) During the time that tickets are sold for the Illinois
2 veterans scratch-off game, the Department shall not
3 unreasonably diminish the efforts devoted to marketing any
4 other instant scratch-off lottery game.

5 (d) The Department may adopt any rules necessary to
6 implement and administer the provisions of this Section.

7 (Source: P.A. 97-464, eff. 10-15-11; 97-740, eff. 7-5-12;
8 98-499, eff. 8-16-13; revised 9-2-16.)

9 Section 125. The Military Code of Illinois is amended by
10 changing Section 28 as follows:

11 (20 ILCS 1805/28) (from Ch. 129, par. 220.28)

12 Sec. 28. When the Commander-in-Chief proclaims a time of
13 public danger or when an emergency exists, the ~~The~~ Adjutant
14 General may purchase or authorize the purchase of stores and
15 supplies in accordance with the emergency purchase provisions
16 in the Illinois Procurement Code.

17 (Source: P.A. 99-557, eff. 1-1-17; revised 9-8-16.)

18 Section 130. The State Guard Act is amended by changing
19 Sections 53 and 54 as follows:

20 (20 ILCS 1815/53) (from Ch. 129, par. 281)

21 Sec. 53. Any officer, warrant officer, or enlisted man in
22 the Illinois State Guard who knowingly makes any false

1 certificate or return to any superior officer authorized to
2 call for such certificate or return, as to the state of his
3 command, or as to the quartermaster, subsistence, or ordnance
4 ~~ordnance~~ stores to it issued, or any officer who knowingly
5 musters any officer, warrant officer, or enlisted man by other
6 than his proper name, or who permits any officer, warrant
7 officer, or enlisted man to substitute or sign another name
8 than his own, or who enters the name of any man not duly or
9 lawfully commissioned or enlisted in the muster or payroll of
10 the State of Illinois, or who certifies falsely as to any
11 actual duty performed or amounts due, or who in any other way
12 makes or permits any false muster or return, or who, having
13 drawn money from the State for public use, shall apply it or
14 any part thereof to any use not duly authorized, may be
15 punished as a court martial shall direct.

16 (Source: P.A. 80-1495; revised 9-8-16.)

17 (20 ILCS 1815/54) (from Ch. 129, par. 282)

18 Sec. 54. Any officer, warrant officer, or enlisted man who
19 willfully ~~wilfully~~ or through neglect suffers to be lost,
20 spoiled, or damaged, any quartermaster, subsistence, or
21 ordnance ~~ordnance~~ stores for which he is responsible or
22 accountable, or who secretes, sells, or pawns, or attempts to
23 secrete, sell, or pawn, any such stores or any other military
24 property of the State, or by it issued, may be punished as a
25 court martial shall direct.

1 (Source: P.A. 80-1495; revised 9-8-16.)

2 Section 135. The Department of Public Health Powers and
3 Duties Law of the Civil Administrative Code of Illinois is
4 amended by changing Sections 2310-367 and 2310-371.5 as
5 follows:

6 (20 ILCS 2310/2310-367)

7 Sec. 2310-367. Health Data Task Force; purpose;
8 implementation plan.

9 (a) In accordance with the recommendations of the 2007
10 State Health Improvement Plan, it is the policy of the State
11 that, to the extent possible and consistent with privacy and
12 other laws, State public health data and health-related
13 administrative data are to be used to understand and report on
14 the scope of health problems, plan prevention programs, and
15 evaluate program effectiveness at the State and community
16 level. It is a priority to use data to address racial, ethnic,
17 and other health disparities. This system is intended to
18 support State and community level public health planning, and
19 is not intended to supplant or replace data-use agreements
20 between State agencies and academic researchers for more
21 specific research needs.

22 (b) Within 30 days after August 24, 2007 (the effective
23 date of Public Act 95-418), a Health Data Task Force shall be
24 convened to create a system for public access to integrated

1 health data. The Task Force shall consist of the following: the
2 Director of Public Health or his or her designee; the Director
3 of Healthcare and Family Services or his or her designee; the
4 Secretary of Human Services or his or her designee; the
5 Director of the Department on Aging or his or her designee; the
6 Director of Children and Family Services or his or her
7 designee; the State Superintendent of Education or his or her
8 designee; and other State officials as deemed appropriate by
9 the Governor.

10 The Task Force shall be advised by a public advisory group
11 consisting of community health data users, minority health
12 advocates, local public health departments, and private data
13 suppliers such as hospitals and other health care providers.
14 Each member of the Task Force shall appoint 3 members of the
15 public advisory group. The public advisory group shall assist
16 the Task Force in setting goals, articulating user needs, and
17 setting priorities for action.

18 The Department of Public Health is primarily responsible
19 for providing staff and administrative support to the Task
20 Force. The other State agencies represented on the Task Force
21 shall work cooperatively with the Department of Public Health
22 to provide administrative support to the Task Force. The
23 Department of Public Health shall have ongoing responsibility
24 for monitoring the implementation of the plan and shall have
25 ongoing responsibility to identify new or emerging data or
26 technology needs.

1 The State agencies represented on the Task Force shall
2 review their health data, data collection, and dissemination
3 policies for opportunities to coordinate and integrate data and
4 make data available within and outside State government in
5 support of this State policy. To the extent possible, existing
6 data infrastructure shall be used to create this system of
7 public access to data. The Illinois Department of Healthcare
8 ~~Health Care~~ and Family Services data warehouse and the Illinois
9 Department of Public Health IPLAN Data System may be the
10 foundation of this system.

11 (c) The Task Force shall produce a plan with a phased and
12 prioritized implementation timetable focusing on assuring
13 access to improving the quality of data necessary to understand
14 health disparities. The Task Force shall submit an initial
15 report to the General Assembly no later than July 1, 2008, and
16 shall make annual reports to the General Assembly on or before
17 July 1 of each year through 2011 of the progress toward
18 implementing the plan.

19 (Source: P.A. 97-813, eff. 7-13-12; revised 9-8-16.)

20 (20 ILCS 2310/2310-371.5) (was 20 ILCS 2310/371)

21 Sec. 2310-371.5. Heartsaver AED Fund; grants. Subject to
22 appropriation, the Department of Public Health has the power to
23 make matching grants from the Heartsaver AED Fund, a special
24 fund created in the State treasury, to any school in the State,
25 public park district, forest preserve district, conservation

1 district, sheriff's office, municipal police department,
2 municipal recreation department, public library, college, or
3 university to assist in the purchase of an Automated External
4 Defibrillator. Applicants for AED grants must demonstrate that
5 they have funds to pay 50% of the cost of the AEDs for which
6 matching grant moneys are sought. Any school, public park
7 district, forest preserve district, conservation district,
8 sheriff's office, municipal police department, municipal
9 recreation department, public library, college, or university
10 applying for the grant shall not receive more than one grant
11 from the Heartsaver AED Fund each fiscal year. The State
12 Treasurer shall accept and deposit into the Fund all gifts,
13 grants, transfers, appropriations, and other amounts from any
14 legal source, public or private, that are designated for
15 deposit into the Fund.

16 (Source: P.A. 99-246, eff. 1-1-16; 99-501, eff. 3-18-16;
17 revised 3-21-16.)

18 Section 140. The State Police Act is amended by changing
19 Section 7 and by setting forth and renumbering multiple
20 versions of Section 40 as follows:

21 (20 ILCS 2610/7) (from Ch. 121, par. 307.7)

22 Sec. 7. As soon as practicable after the members of the
23 Board have been appointed, they shall meet and shall organize
24 by electing a chairman and a secretary. The initial chairman

1 and secretary, and their successors, shall be elected by the
2 Board from among its members for a term of two years or for the
3 remainder of their term of office as a member of the Board,
4 whichever ~~which ever~~ is the shorter. Three members of the Board
5 shall constitute a quorum for the transaction of business. The
6 Board shall hold regular quarterly meetings and such other
7 meetings as may be called by the chairman.

8 (Source: P.A. 80-1305; revised 10-5-16.)

9 (20 ILCS 2610/38)

10 Sec. 38 ~~40~~. Disposal of medications. The Department may by
11 rule authorize State Police officers to dispose of any unused
12 medications under Section 18 of the Safe Pharmaceutical
13 Disposal Act.

14 (Source: P.A. 99-648, eff. 1-1-17; revised 10-4-16.)

15 (20 ILCS 2610/40)

16 Sec. 40. Training; administration of epinephrine.

17 (a) This Section, along with Section 10.19 of the Illinois
18 Police Training Act, may be referred to as the Annie LeGere
19 Law.

20 (b) For the purposes of this Section, "epinephrine
21 auto-injector" means a single-use device used for the automatic
22 injection of a pre-measured dose of epinephrine into the human
23 body prescribed in the name of the Department.

24 (c) The Department may conduct or approve a training

1 program for State Police officers to recognize and respond to
2 anaphylaxis, including, but not limited to:

3 (1) how to recognize symptoms of an allergic reaction;

4 (2) how to respond to an emergency involving an
5 allergic reaction;

6 (3) how to administer an epinephrine auto-injector;

7 (4) how to respond to an individual with a known
8 allergy as well as an individual with a previously unknown
9 allergy;

10 (5) a test demonstrating competency of the knowledge
11 required to recognize anaphylaxis and administer an
12 epinephrine auto-injector; and

13 (6) other criteria as determined in rules adopted by
14 the Department.

15 (d) The Department may authorize a State Police officer who
16 has completed the training program under subsection (c) to
17 carry, administer, or assist with the administration of
18 epinephrine auto-injectors whenever he or she is performing
19 official duties.

20 (e) The Department must establish a written policy to
21 control the acquisition, storage, transportation,
22 administration, and disposal of epinephrine auto-injectors
23 before it allows any State Police officer to carry and
24 administer epinephrine auto-injectors.

25 (f) A physician, physician's assistant with prescriptive
26 authority, or advanced practice registered nurse with

1 prescriptive authority may provide a standing protocol or
2 prescription for epinephrine auto-injectors in the name of the
3 Department to be maintained for use when necessary.

4 (g) When a State Police officer administers epinephrine
5 auto-injector in good faith, the officer and the Department,
6 and its employees and agents, incur no liability, except for
7 willful and wanton conduct, as a result of any injury or death
8 arising from the use of an epinephrine auto-injector.

9 (Source: P.A. 99-711, eff. 1-1-17.)

10 Section 145. The Criminal Identification Act is amended by
11 changing Section 5.2 as follows:

12 (20 ILCS 2630/5.2)

13 Sec. 5.2. Expungement and sealing.

14 (a) General Provisions.

15 (1) Definitions. In this Act, words and phrases have
16 the meanings set forth in this subsection, except when a
17 particular context clearly requires a different meaning.

18 (A) The following terms shall have the meanings
19 ascribed to them in the Unified Code of Corrections,
20 730 ILCS 5/5-1-2 through 5/5-1-22:

21 (i) Business Offense (730 ILCS 5/5-1-2),

22 (ii) Charge (730 ILCS 5/5-1-3),

23 (iii) Court (730 ILCS 5/5-1-6),

24 (iv) Defendant (730 ILCS 5/5-1-7),

- 1 (v) Felony (730 ILCS 5/5-1-9),
2 (vi) Imprisonment (730 ILCS 5/5-1-10),
3 (vii) Judgment (730 ILCS 5/5-1-12),
4 (viii) Misdemeanor (730 ILCS 5/5-1-14),
5 (ix) Offense (730 ILCS 5/5-1-15),
6 (x) Parole (730 ILCS 5/5-1-16),
7 (xi) Petty Offense (730 ILCS 5/5-1-17),
8 (xii) Probation (730 ILCS 5/5-1-18),
9 (xiii) Sentence (730 ILCS 5/5-1-19),
10 (xiv) Supervision (730 ILCS 5/5-1-21), and
11 (xv) Victim (730 ILCS 5/5-1-22).

12 (B) As used in this Section, "charge not initiated
13 by arrest" means a charge (as defined by 730 ILCS
14 5/5-1-3) brought against a defendant where the
15 defendant is not arrested prior to or as a direct
16 result of the charge.

17 (C) "Conviction" means a judgment of conviction or
18 sentence entered upon a plea of guilty or upon a
19 verdict or finding of guilty of an offense, rendered by
20 a legally constituted jury or by a court of competent
21 jurisdiction authorized to try the case without a jury.
22 An order of supervision successfully completed by the
23 petitioner is not a conviction. An order of qualified
24 probation (as defined in subsection (a)(1)(J))
25 successfully completed by the petitioner is not a
26 conviction. An order of supervision or an order of

1 qualified probation that is terminated
2 unsatisfactorily is a conviction, unless the
3 unsatisfactory termination is reversed, vacated, or
4 modified and the judgment of conviction, if any, is
5 reversed or vacated.

6 (D) "Criminal offense" means a petty offense,
7 business offense, misdemeanor, felony, or municipal
8 ordinance violation (as defined in subsection
9 (a)(1)(H)). As used in this Section, a minor traffic
10 offense (as defined in subsection (a)(1)(G)) shall not
11 be considered a criminal offense.

12 (E) "Expunge" means to physically destroy the
13 records or return them to the petitioner and to
14 obliterate the petitioner's name from any official
15 index or public record, or both. Nothing in this Act
16 shall require the physical destruction of the circuit
17 court file, but such records relating to arrests or
18 charges, or both, ordered expunged shall be impounded
19 as required by subsections (d)(9)(A)(ii) and
20 (d)(9)(B)(ii).

21 (F) As used in this Section, "last sentence" means
22 the sentence, order of supervision, or order of
23 qualified probation (as defined by subsection
24 (a)(1)(J)), for a criminal offense (as defined by
25 subsection (a)(1)(D)) that terminates last in time in
26 any jurisdiction, regardless of whether the petitioner

1 has included the criminal offense for which the
2 sentence or order of supervision or qualified
3 probation was imposed in his or her petition. If
4 multiple sentences, orders of supervision, or orders
5 of qualified probation terminate on the same day and
6 are last in time, they shall be collectively considered
7 the "last sentence" regardless of whether they were
8 ordered to run concurrently.

9 (G) "Minor traffic offense" means a petty offense,
10 business offense, or Class C misdemeanor under the
11 Illinois Vehicle Code or a similar provision of a
12 municipal or local ordinance.

13 (H) "Municipal ordinance violation" means an
14 offense defined by a municipal or local ordinance that
15 is criminal in nature and with which the petitioner was
16 charged or for which the petitioner was arrested and
17 released without charging.

18 (I) "Petitioner" means an adult or a minor
19 prosecuted as an adult who has applied for relief under
20 this Section.

21 (J) "Qualified probation" means an order of
22 probation under Section 10 of the Cannabis Control Act,
23 Section 410 of the Illinois Controlled Substances Act,
24 Section 70 of the Methamphetamine Control and
25 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
26 of the Unified Code of Corrections, Section

1 12-4.3(b) (1) and (2) of the Criminal Code of 1961 (as
2 those provisions existed before their deletion by
3 Public Act 89-313), Section 10-102 of the Illinois
4 Alcoholism and Other Drug Dependency Act, Section
5 40-10 of the Alcoholism and Other Drug Abuse and
6 Dependency Act, or Section 10 of the Steroid Control
7 Act. For the purpose of this Section, "successful
8 completion" of an order of qualified probation under
9 Section 10-102 of the Illinois Alcoholism and Other
10 Drug Dependency Act and Section 40-10 of the Alcoholism
11 and Other Drug Abuse and Dependency Act means that the
12 probation was terminated satisfactorily and the
13 judgment of conviction was vacated.

14 (K) "Seal" means to physically and electronically
15 maintain the records, unless the records would
16 otherwise be destroyed due to age, but to make the
17 records unavailable without a court order, subject to
18 the exceptions in Sections 12 and 13 of this Act. The
19 petitioner's name shall also be obliterated from the
20 official index required to be kept by the circuit court
21 clerk under Section 16 of the Clerks of Courts Act, but
22 any index issued by the circuit court clerk before the
23 entry of the order to seal shall not be affected.

24 (L) "Sexual offense committed against a minor"
25 includes but is not limited to the offenses of indecent
26 solicitation of a child or criminal sexual abuse when

1 the victim of such offense is under 18 years of age.

2 (M) "Terminate" as it relates to a sentence or
3 order of supervision or qualified probation includes
4 either satisfactory or unsatisfactory termination of
5 the sentence, unless otherwise specified in this
6 Section.

7 (2) Minor Traffic Offenses. Orders of supervision or
8 convictions for minor traffic offenses shall not affect a
9 petitioner's eligibility to expunge or seal records
10 pursuant to this Section.

11 (2.5) Commencing 180 days after July 29, 2016 (the
12 effective date of Public Act 99-697) ~~this amendatory Act of~~
13 ~~the 99th General Assembly~~, the law enforcement agency
14 issuing the citation shall automatically expunge, on or
15 before January 1 and July 1 of each year, the law
16 enforcement records of a person found to have committed a
17 civil law violation of subsection (a) of Section 4 of the
18 Cannabis Control Act or subsection (c) of Section 3.5 of
19 the Drug Paraphernalia Control Act in the law enforcement
20 agency's possession or control and which contains the final
21 satisfactory disposition which pertain to the person
22 issued a citation for that offense. The law enforcement
23 agency shall provide by rule the process for access,
24 review, and to confirm the automatic expungement by the law
25 enforcement agency issuing the citation. Commencing 180
26 days after July 29, 2016 (the effective date of Public Act

1 ~~99-697) this amendatory Act of the 99th General Assembly,~~
2 the clerk of the circuit court shall expunge, upon order of
3 the court, or in the absence of a court order on or before
4 January 1 and July 1 of each year, the court records of a
5 person found in the circuit court to have committed a civil
6 law violation of subsection (a) of Section 4 of the
7 Cannabis Control Act or subsection (c) of Section 3.5 of
8 the Drug Paraphernalia Control Act in the clerk's
9 possession or control and which contains the final
10 satisfactory disposition which pertain to the person
11 issued a citation for any of those offenses.

12 (3) Exclusions. Except as otherwise provided in
13 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)
14 of this Section, the court shall not order:

15 (A) the sealing or expungement of the records of
16 arrests or charges not initiated by arrest that result
17 in an order of supervision for or conviction of: (i)
18 any sexual offense committed against a minor; (ii)
19 Section 11-501 of the Illinois Vehicle Code or a
20 similar provision of a local ordinance; or (iii)
21 Section 11-503 of the Illinois Vehicle Code or a
22 similar provision of a local ordinance, unless the
23 arrest or charge is for a misdemeanor violation of
24 subsection (a) of Section 11-503 or a similar provision
25 of a local ordinance, that occurred prior to the
26 offender reaching the age of 25 years and the offender

1 has no other conviction for violating Section 11-501 or
2 11-503 of the Illinois Vehicle Code or a similar
3 provision of a local ordinance.

4 (B) the sealing or expungement of records of minor
5 traffic offenses (as defined in subsection (a)(1)(G)),
6 unless the petitioner was arrested and released
7 without charging.

8 (C) the sealing of the records of arrests or
9 charges not initiated by arrest which result in an
10 order of supervision or a conviction for the following
11 offenses:

12 (i) offenses included in Article 11 of the
13 Criminal Code of 1961 or the Criminal Code of 2012
14 or a similar provision of a local ordinance, except
15 Section 11-14 of the Criminal Code of 1961 or the
16 Criminal Code of 2012, or a similar provision of a
17 local ordinance;

18 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
19 26-5, or 48-1 of the Criminal Code of 1961 or the
20 Criminal Code of 2012, or a similar provision of a
21 local ordinance;

22 (iii) Sections 12-3.1 or 12-3.2 of the
23 Criminal Code of 1961 or the Criminal Code of 2012,
24 or Section 125 of the Stalking No Contact Order
25 Act, or Section 219 of the Civil No Contact Order
26 Act, or a similar provision of a local ordinance;

1 (iv) offenses which are Class A misdemeanors
2 under the Humane Care for Animals Act; or

3 (v) any offense or attempted offense that
4 would subject a person to registration under the
5 Sex Offender Registration Act.

6 (D) the sealing of the records of an arrest which
7 results in the petitioner being charged with a felony
8 offense or records of a charge not initiated by arrest
9 for a felony offense unless:

10 (i) the charge is amended to a misdemeanor and
11 is otherwise eligible to be sealed pursuant to
12 subsection (c);

13 (ii) the charge is brought along with another
14 charge as a part of one case and the charge results
15 in acquittal, dismissal, or conviction when the
16 conviction was reversed or vacated, and another
17 charge brought in the same case results in a
18 disposition for a misdemeanor offense that is
19 eligible to be sealed pursuant to subsection (c) or
20 a disposition listed in paragraph (i), (iii), or
21 (iv) of this subsection;

22 (iii) the charge results in first offender
23 probation as set forth in subsection (c) (2) (E);

24 (iv) the charge is for a felony offense listed
25 in subsection (c) (2) (F) or the charge is amended to
26 a felony offense listed in subsection (c) (2) (F);

1 (v) the charge results in acquittal,
2 dismissal, or the petitioner's release without
3 conviction; or

4 (vi) the charge results in a conviction, but
5 the conviction was reversed or vacated.

6 (b) Expungement.

7 (1) A petitioner may petition the circuit court to
8 expunge the records of his or her arrests and charges not
9 initiated by arrest when each arrest or charge not
10 initiated by arrest sought to be expunged resulted in: (i)
11 acquittal, dismissal, or the petitioner's release without
12 charging, unless excluded by subsection (a)(3)(B); (ii) a
13 conviction which was vacated or reversed, unless excluded
14 by subsection (a)(3)(B); (iii) an order of supervision and
15 such supervision was successfully completed by the
16 petitioner, unless excluded by subsection (a)(3)(A) or
17 (a)(3)(B); or (iv) an order of qualified probation (as
18 defined in subsection (a)(1)(J)) and such probation was
19 successfully completed by the petitioner.

20 (1.5) When a petitioner seeks to have a record of
21 arrest expunged under this Section, and the offender has
22 been convicted of a criminal offense, the State's Attorney
23 may object to the expungement on the grounds that the
24 records contain specific relevant information aside from
25 the mere fact of the arrest.

26 (2) Time frame for filing a petition to expunge.

1 (A) When the arrest or charge not initiated by
2 arrest sought to be expunged resulted in an acquittal,
3 dismissal, the petitioner's release without charging,
4 or the reversal or vacation of a conviction, there is
5 no waiting period to petition for the expungement of
6 such records.

7 (B) When the arrest or charge not initiated by
8 arrest sought to be expunged resulted in an order of
9 supervision, successfully completed by the petitioner,
10 the following time frames will apply:

11 (i) Those arrests or charges that resulted in
12 orders of supervision under Section 3-707, 3-708,
13 3-710, or 5-401.3 of the Illinois Vehicle Code or a
14 similar provision of a local ordinance, or under
15 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
16 Code of 1961 or the Criminal Code of 2012, or a
17 similar provision of a local ordinance, shall not
18 be eligible for expungement until 5 years have
19 passed following the satisfactory termination of
20 the supervision.

21 (i-5) Those arrests or charges that resulted
22 in orders of supervision for a misdemeanor
23 violation of subsection (a) of Section 11-503 of
24 the Illinois Vehicle Code or a similar provision of
25 a local ordinance, that occurred prior to the
26 offender reaching the age of 25 years and the

1 offender has no other conviction for violating
2 Section 11-501 or 11-503 of the Illinois Vehicle
3 Code or a similar provision of a local ordinance
4 shall not be eligible for expungement until the
5 petitioner has reached the age of 25 years.

6 (ii) Those arrests or charges that resulted in
7 orders of supervision for any other offenses shall
8 not be eligible for expungement until 2 years have
9 passed following the satisfactory termination of
10 the supervision.

11 (C) When the arrest or charge not initiated by
12 arrest sought to be expunged resulted in an order of
13 qualified probation, successfully completed by the
14 petitioner, such records shall not be eligible for
15 expungement until 5 years have passed following the
16 satisfactory termination of the probation.

17 (3) Those records maintained by the Department for
18 persons arrested prior to their 17th birthday shall be
19 expunged as provided in Section 5-915 of the Juvenile Court
20 Act of 1987.

21 (4) Whenever a person has been arrested for or
22 convicted of any offense, in the name of a person whose
23 identity he or she has stolen or otherwise come into
24 possession of, the aggrieved person from whom the identity
25 was stolen or otherwise obtained without authorization,
26 upon learning of the person having been arrested using his

1 or her identity, may, upon verified petition to the chief
2 judge of the circuit wherein the arrest was made, have a
3 court order entered nunc pro tunc by the Chief Judge to
4 correct the arrest record, conviction record, if any, and
5 all official records of the arresting authority, the
6 Department, other criminal justice agencies, the
7 prosecutor, and the trial court concerning such arrest, if
8 any, by removing his or her name from all such records in
9 connection with the arrest and conviction, if any, and by
10 inserting in the records the name of the offender, if known
11 or ascertainable, in lieu of the aggrieved's name. The
12 records of the circuit court clerk shall be sealed until
13 further order of the court upon good cause shown and the
14 name of the aggrieved person obliterated on the official
15 index required to be kept by the circuit court clerk under
16 Section 16 of the Clerks of Courts Act, but the order shall
17 not affect any index issued by the circuit court clerk
18 before the entry of the order. Nothing in this Section
19 shall limit the Department of State Police or other
20 criminal justice agencies or prosecutors from listing
21 under an offender's name the false names he or she has
22 used.

23 (5) Whenever a person has been convicted of criminal
24 sexual assault, aggravated criminal sexual assault,
25 predatory criminal sexual assault of a child, criminal
26 sexual abuse, or aggravated criminal sexual abuse, the

1 victim of that offense may request that the State's
2 Attorney of the county in which the conviction occurred
3 file a verified petition with the presiding trial judge at
4 the petitioner's trial to have a court order entered to
5 seal the records of the circuit court clerk in connection
6 with the proceedings of the trial court concerning that
7 offense. However, the records of the arresting authority
8 and the Department of State Police concerning the offense
9 shall not be sealed. The court, upon good cause shown,
10 shall make the records of the circuit court clerk in
11 connection with the proceedings of the trial court
12 concerning the offense available for public inspection.

13 (6) If a conviction has been set aside on direct review
14 or on collateral attack and the court determines by clear
15 and convincing evidence that the petitioner was factually
16 innocent of the charge, the court that finds the petitioner
17 factually innocent of the charge shall enter an expungement
18 order for the conviction for which the petitioner has been
19 determined to be innocent as provided in subsection (b) of
20 Section 5-5-4 of the Unified Code of Corrections.

21 (7) Nothing in this Section shall prevent the
22 Department of State Police from maintaining all records of
23 any person who is admitted to probation upon terms and
24 conditions and who fulfills those terms and conditions
25 pursuant to Section 10 of the Cannabis Control Act, Section
26 410 of the Illinois Controlled Substances Act, Section 70

1 of the Methamphetamine Control and Community Protection
2 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
3 Corrections, Section 12-4.3 or subdivision (b)(1) of
4 Section 12-3.05 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, Section 10-102 of the Illinois
6 Alcoholism and Other Drug Dependency Act, Section 40-10 of
7 the Alcoholism and Other Drug Abuse and Dependency Act, or
8 Section 10 of the Steroid Control Act.

9 (8) If the petitioner has been granted a certificate of
10 innocence under Section 2-702 of the Code of Civil
11 Procedure, the court that grants the certificate of
12 innocence shall also enter an order expunging the
13 conviction for which the petitioner has been determined to
14 be innocent as provided in subsection (h) of Section 2-702
15 of the Code of Civil Procedure.

16 (c) Sealing.

17 (1) Applicability. Notwithstanding any other provision
18 of this Act to the contrary, and cumulative with any rights
19 to expungement of criminal records, this subsection
20 authorizes the sealing of criminal records of adults and of
21 minors prosecuted as adults.

22 (2) Eligible Records. The following records may be
23 sealed:

24 (A) All arrests resulting in release without
25 charging;

26 (B) Arrests or charges not initiated by arrest

1 resulting in acquittal, dismissal, or conviction when
2 the conviction was reversed or vacated, except as
3 excluded by subsection (a) (3) (B);

4 (C) Arrests or charges not initiated by arrest
5 resulting in orders of supervision, including orders
6 of supervision for municipal ordinance violations,
7 successfully completed by the petitioner, unless
8 excluded by subsection (a) (3);

9 (D) Arrests or charges not initiated by arrest
10 resulting in convictions, including convictions on
11 municipal ordinance violations, unless excluded by
12 subsection (a) (3);

13 (E) Arrests or charges not initiated by arrest
14 resulting in orders of first offender probation under
15 Section 10 of the Cannabis Control Act, Section 410 of
16 the Illinois Controlled Substances Act, Section 70 of
17 the Methamphetamine Control and Community Protection
18 Act, or Section 5-6-3.3 of the Unified Code of
19 Corrections; and

20 (F) Arrests or charges not initiated by arrest
21 resulting in felony convictions for the following
22 offenses:

23 (i) Class 4 felony convictions for:

24 Prostitution under Section 11-14 of the
25 Criminal Code of 1961 or the Criminal Code of
26 2012.

1 Possession of cannabis under Section 4 of
2 the Cannabis Control Act.

3 Possession of a controlled substance under
4 Section 402 of the Illinois Controlled
5 Substances Act.

6 Offenses under the Methamphetamine
7 Precursor Control Act.

8 Offenses under the Steroid Control Act.

9 Theft under Section 16-1 of the Criminal
10 Code of 1961 or the Criminal Code of 2012.

11 Retail theft under Section 16A-3 or
12 paragraph (a) of 16-25 of the Criminal Code of
13 1961 or the Criminal Code of 2012.

14 Deceptive practices under Section 17-1 of
15 the Criminal Code of 1961 or the Criminal Code
16 of 2012.

17 Forgery under Section 17-3 of the Criminal
18 Code of 1961 or the Criminal Code of 2012.

19 Possession of burglary tools under Section
20 19-2 of the Criminal Code of 1961 or the
21 Criminal Code of 2012.

22 (ii) Class 3 felony convictions for:

23 Theft under Section 16-1 of the Criminal
24 Code of 1961 or the Criminal Code of 2012.

25 Retail theft under Section 16A-3 or
26 paragraph (a) of 16-25 of the Criminal Code of

1 1961 or the Criminal Code of 2012.

2 Deceptive practices under Section 17-1 of
3 the Criminal Code of 1961 or the Criminal Code
4 of 2012.

5 Forgery under Section 17-3 of the Criminal
6 Code of 1961 or the Criminal Code of 2012.

7 Possession with intent to manufacture or
8 deliver a controlled substance under Section
9 401 of the Illinois Controlled Substances Act.

10 (3) When Records Are Eligible to Be Sealed. Records
11 identified as eligible under subsection (c)(2) may be
12 sealed as follows:

13 (A) Records identified as eligible under
14 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any
15 time.

16 (B) Except as otherwise provided in subparagraph
17 (E) of this paragraph (3), records identified as
18 eligible under subsection (c)(2)(C) may be sealed 2
19 years after the termination of petitioner's last
20 sentence (as defined in subsection (a)(1)(F)).

21 (C) Except as otherwise provided in subparagraph
22 (E) of this paragraph (3), records identified as
23 eligible under subsections (c)(2)(D), (c)(2)(E), and
24 (c)(2)(F) may be sealed 3 years after the termination
25 of the petitioner's last sentence (as defined in
26 subsection (a)(1)(F)).

1 (D) Records identified in subsection
2 (a) (3) (A) (iii) may be sealed after the petitioner has
3 reached the age of 25 years.

4 (E) Records identified as eligible under
5 subsections (c) (2) (C), (c) (2) (D), (c) (2) (E), or
6 (c) (2) (F) may be sealed upon termination of the
7 petitioner's last sentence if the petitioner earned a
8 high school diploma, associate's degree, career
9 certificate, vocational technical certification, or
10 bachelor's degree, or passed the high school level Test
11 of General Educational Development, during the period
12 of his or her sentence, aftercare release, or mandatory
13 supervised release. This subparagraph shall apply only
14 to a petitioner who has not completed the same
15 educational goal prior to the period of his or her
16 sentence, aftercare release, or mandatory supervised
17 release. If a petition for sealing eligible records
18 filed under this subparagraph is denied by the court,
19 the time periods under subparagraph (B) or (C) shall
20 apply to any subsequent petition for sealing filed by
21 the petitioner.

22 (4) Subsequent felony convictions. A person may not
23 have subsequent felony conviction records sealed as
24 provided in this subsection (c) if he or she is convicted
25 of any felony offense after the date of the sealing of
26 prior felony convictions as provided in this subsection

1 (c). The court may, upon conviction for a subsequent felony
2 offense, order the unsealing of prior felony conviction
3 records previously ordered sealed by the court.

4 (5) Notice of eligibility for sealing. Upon entry of a
5 disposition for an eligible record under this subsection
6 (c), the petitioner shall be informed by the court of the
7 right to have the records sealed and the procedures for the
8 sealing of the records.

9 (d) Procedure. The following procedures apply to
10 expungement under subsections (b), (e), and (e-6) and sealing
11 under subsections (c) and (e-5):

12 (1) Filing the petition. Upon becoming eligible to
13 petition for the expungement or sealing of records under
14 this Section, the petitioner shall file a petition
15 requesting the expungement or sealing of records with the
16 clerk of the court where the arrests occurred or the
17 charges were brought, or both. If arrests occurred or
18 charges were brought in multiple jurisdictions, a petition
19 must be filed in each such jurisdiction. The petitioner
20 shall pay the applicable fee, except no fee shall be
21 required if the petitioner has obtained a court order
22 waiving fees under Supreme Court Rule 298 or it is
23 otherwise waived.

24 (1.5) County fee waiver pilot program. In a county of
25 3,000,000 or more inhabitants, no fee shall be required to
26 be paid by a petitioner if the records sought to be

1 expunged or sealed were arrests resulting in release
2 without charging or arrests or charges not initiated by
3 arrest resulting in acquittal, dismissal, or conviction
4 when the conviction was reversed or vacated, unless
5 excluded by subsection (a) (3) (B). The provisions of this
6 paragraph (1.5), other than this sentence, are inoperative
7 on and after January 1, 2018 or one year after January 1,
8 2017 (the effective date of Public Act 99-881) ~~this~~
9 ~~amendatory Act of the 99th General Assembly~~, whichever is
10 later.

11 (2) Contents of petition. The petition shall be
12 verified and shall contain the petitioner's name, date of
13 birth, current address and, for each arrest or charge not
14 initiated by arrest sought to be sealed or expunged, the
15 case number, the date of arrest (if any), the identity of
16 the arresting authority, and such other information as the
17 court may require. During the pendency of the proceeding,
18 the petitioner shall promptly notify the circuit court
19 clerk of any change of his or her address. If the
20 petitioner has received a certificate of eligibility for
21 sealing from the Prisoner Review Board under paragraph (10)
22 of subsection (a) of Section 3-3-2 of the Unified Code of
23 Corrections, the certificate shall be attached to the
24 petition.

25 (3) Drug test. The petitioner must attach to the
26 petition proof that the petitioner has passed a test taken

1 within 30 days before the filing of the petition showing
2 the absence within his or her body of all illegal
3 substances as defined by the Illinois Controlled
4 Substances Act, the Methamphetamine Control and Community
5 Protection Act, and the Cannabis Control Act if he or she
6 is petitioning to:

7 (A) seal felony records under clause (c) (2) (E);

8 (B) seal felony records for a violation of the
9 Illinois Controlled Substances Act, the
10 Methamphetamine Control and Community Protection Act,
11 or the Cannabis Control Act under clause (c) (2) (F);

12 (C) seal felony records under subsection (e-5); or

13 (D) expunge felony records of a qualified
14 probation under clause (b) (1) (iv).

15 (4) Service of petition. The circuit court clerk shall
16 promptly serve a copy of the petition and documentation to
17 support the petition under subsection (e-5) or (e-6) on the
18 State's Attorney or prosecutor charged with the duty of
19 prosecuting the offense, the Department of State Police,
20 the arresting agency and the chief legal officer of the
21 unit of local government effecting the arrest.

22 (5) Objections.

23 (A) Any party entitled to notice of the petition
24 may file an objection to the petition. All objections
25 shall be in writing, shall be filed with the circuit
26 court clerk, and shall state with specificity the basis

1 of the objection. Whenever a person who has been
2 convicted of an offense is granted a pardon by the
3 Governor which specifically authorizes expungement, an
4 objection to the petition may not be filed.

5 (B) Objections to a petition to expunge or seal
6 must be filed within 60 days of the date of service of
7 the petition.

8 (6) Entry of order.

9 (A) The Chief Judge of the circuit wherein the
10 charge was brought, any judge of that circuit
11 designated by the Chief Judge, or in counties of less
12 than 3,000,000 inhabitants, the presiding trial judge
13 at the petitioner's trial, if any, shall rule on the
14 petition to expunge or seal as set forth in this
15 subsection (d) (6).

16 (B) Unless the State's Attorney or prosecutor, the
17 Department of State Police, the arresting agency, or
18 the chief legal officer files an objection to the
19 petition to expunge or seal within 60 days from the
20 date of service of the petition, the court shall enter
21 an order granting or denying the petition.

22 (7) Hearings. If an objection is filed, the court shall
23 set a date for a hearing and notify the petitioner and all
24 parties entitled to notice of the petition of the hearing
25 date at least 30 days prior to the hearing. Prior to the
26 hearing, the State's Attorney shall consult with the

1 Department as to the appropriateness of the relief sought
2 in the petition to expunge or seal. At the hearing, the
3 court shall hear evidence on whether the petition should or
4 should not be granted, and shall grant or deny the petition
5 to expunge or seal the records based on the evidence
6 presented at the hearing. The court may consider the
7 following:

8 (A) the strength of the evidence supporting the
9 defendant's conviction;

10 (B) the reasons for retention of the conviction
11 records by the State;

12 (C) the petitioner's age, criminal record history,
13 and employment history;

14 (D) the period of time between the petitioner's
15 arrest on the charge resulting in the conviction and
16 the filing of the petition under this Section; and

17 (E) the specific adverse consequences the
18 petitioner may be subject to if the petition is denied.

19 (8) Service of order. After entering an order to
20 expunge or seal records, the court must provide copies of
21 the order to the Department, in a form and manner
22 prescribed by the Department, to the petitioner, to the
23 State's Attorney or prosecutor charged with the duty of
24 prosecuting the offense, to the arresting agency, to the
25 chief legal officer of the unit of local government
26 effecting the arrest, and to such other criminal justice

1 agencies as may be ordered by the court.

2 (9) Implementation of order.

3 (A) Upon entry of an order to expunge records
4 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

5 (i) the records shall be expunged (as defined
6 in subsection (a) (1) (E)) by the arresting agency,
7 the Department, and any other agency as ordered by
8 the court, within 60 days of the date of service of
9 the order, unless a motion to vacate, modify, or
10 reconsider the order is filed pursuant to
11 paragraph (12) of subsection (d) of this Section;

12 (ii) the records of the circuit court clerk
13 shall be impounded until further order of the court
14 upon good cause shown and the name of the
15 petitioner obliterated on the official index
16 required to be kept by the circuit court clerk
17 under Section 16 of the Clerks of Courts Act, but
18 the order shall not affect any index issued by the
19 circuit court clerk before the entry of the order;
20 and

21 (iii) in response to an inquiry for expunged
22 records, the court, the Department, or the agency
23 receiving such inquiry, shall reply as it does in
24 response to inquiries when no records ever
25 existed.

26 (B) Upon entry of an order to expunge records

1 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

2 (i) the records shall be expunged (as defined
3 in subsection (a) (1) (E)) by the arresting agency
4 and any other agency as ordered by the court,
5 within 60 days of the date of service of the order,
6 unless a motion to vacate, modify, or reconsider
7 the order is filed pursuant to paragraph (12) of
8 subsection (d) of this Section;

9 (ii) the records of the circuit court clerk
10 shall be impounded until further order of the court
11 upon good cause shown and the name of the
12 petitioner obliterated on the official index
13 required to be kept by the circuit court clerk
14 under Section 16 of the Clerks of Courts Act, but
15 the order shall not affect any index issued by the
16 circuit court clerk before the entry of the order;

17 (iii) the records shall be impounded by the
18 Department within 60 days of the date of service of
19 the order as ordered by the court, unless a motion
20 to vacate, modify, or reconsider the order is filed
21 pursuant to paragraph (12) of subsection (d) of
22 this Section;

23 (iv) records impounded by the Department may
24 be disseminated by the Department only as required
25 by law or to the arresting authority, the State's
26 Attorney, and the court upon a later arrest for the

1 same or a similar offense or for the purpose of
2 sentencing for any subsequent felony, and to the
3 Department of Corrections upon conviction for any
4 offense; and

5 (v) in response to an inquiry for such records
6 from anyone not authorized by law to access such
7 records, the court, the Department, or the agency
8 receiving such inquiry shall reply as it does in
9 response to inquiries when no records ever
10 existed.

11 (B-5) Upon entry of an order to expunge records
12 under subsection (e-6):

13 (i) the records shall be expunged (as defined
14 in subsection (a)(1)(E)) by the arresting agency
15 and any other agency as ordered by the court,
16 within 60 days of the date of service of the order,
17 unless a motion to vacate, modify, or reconsider
18 the order is filed under paragraph (12) of
19 subsection (d) of this Section;

20 (ii) the records of the circuit court clerk
21 shall be impounded until further order of the court
22 upon good cause shown and the name of the
23 petitioner obliterated on the official index
24 required to be kept by the circuit court clerk
25 under Section 16 of the Clerks of Courts Act, but
26 the order shall not affect any index issued by the

1 circuit court clerk before the entry of the order;

2 (iii) the records shall be impounded by the
3 Department within 60 days of the date of service of
4 the order as ordered by the court, unless a motion
5 to vacate, modify, or reconsider the order is filed
6 under paragraph (12) of subsection (d) of this
7 Section;

8 (iv) records impounded by the Department may
9 be disseminated by the Department only as required
10 by law or to the arresting authority, the State's
11 Attorney, and the court upon a later arrest for the
12 same or a similar offense or for the purpose of
13 sentencing for any subsequent felony, and to the
14 Department of Corrections upon conviction for any
15 offense; and

16 (v) in response to an inquiry for these records
17 from anyone not authorized by law to access the
18 records, the court, the Department, or the agency
19 receiving the inquiry shall reply as it does in
20 response to inquiries when no records ever
21 existed.

22 (C) Upon entry of an order to seal records under
23 subsection (c), the arresting agency, any other agency
24 as ordered by the court, the Department, and the court
25 shall seal the records (as defined in subsection
26 (a) (1) (K)). In response to an inquiry for such records,

1 from anyone not authorized by law to access such
2 records, the court, the Department, or the agency
3 receiving such inquiry shall reply as it does in
4 response to inquiries when no records ever existed.

5 (D) The Department shall send written notice to the
6 petitioner of its compliance with each order to expunge
7 or seal records within 60 days of the date of service
8 of that order or, if a motion to vacate, modify, or
9 reconsider is filed, within 60 days of service of the
10 order resolving the motion, if that order requires the
11 Department to expunge or seal records. In the event of
12 an appeal from the circuit court order, the Department
13 shall send written notice to the petitioner of its
14 compliance with an Appellate Court or Supreme Court
15 judgment to expunge or seal records within 60 days of
16 the issuance of the court's mandate. The notice is not
17 required while any motion to vacate, modify, or
18 reconsider, or any appeal or petition for
19 discretionary appellate review, is pending.

20 (10) Fees. The Department may charge the petitioner a
21 fee equivalent to the cost of processing any order to
22 expunge or seal records. Notwithstanding any provision of
23 the Clerks of Courts Act to the contrary, the circuit court
24 clerk may charge a fee equivalent to the cost associated
25 with the sealing or expungement of records by the circuit
26 court clerk. From the total filing fee collected for the

1 petition to seal or expunge, the circuit court clerk shall
2 deposit \$10 into the Circuit Court Clerk Operation and
3 Administrative Fund, to be used to offset the costs
4 incurred by the circuit court clerk in performing the
5 additional duties required to serve the petition to seal or
6 expunge on all parties. The circuit court clerk shall
7 collect and forward the Department of State Police portion
8 of the fee to the Department and it shall be deposited in
9 the State Police Services Fund.

10 (11) Final Order. No court order issued under the
11 expungement or sealing provisions of this Section shall
12 become final for purposes of appeal until 30 days after
13 service of the order on the petitioner and all parties
14 entitled to notice of the petition.

15 (12) Motion to Vacate, Modify, or Reconsider. Under
16 Section 2-1203 of the Code of Civil Procedure, the
17 petitioner or any party entitled to notice may file a
18 motion to vacate, modify, or reconsider the order granting
19 or denying the petition to expunge or seal within 60 days
20 of service of the order. If filed more than 60 days after
21 service of the order, a petition to vacate, modify, or
22 reconsider shall comply with subsection (c) of Section
23 2-1401 of the Code of Civil Procedure. Upon filing of a
24 motion to vacate, modify, or reconsider, notice of the
25 motion shall be served upon the petitioner and all parties
26 entitled to notice of the petition.

1 (13) Effect of Order. An order granting a petition
2 under the expungement or sealing provisions of this Section
3 shall not be considered void because it fails to comply
4 with the provisions of this Section or because of any error
5 asserted in a motion to vacate, modify, or reconsider. The
6 circuit court retains jurisdiction to determine whether
7 the order is voidable and to vacate, modify, or reconsider
8 its terms based on a motion filed under paragraph (12) of
9 this subsection (d).

10 (14) Compliance with Order Granting Petition to Seal
11 Records. Unless a court has entered a stay of an order
12 granting a petition to seal, all parties entitled to notice
13 of the petition must fully comply with the terms of the
14 order within 60 days of service of the order even if a
15 party is seeking relief from the order through a motion
16 filed under paragraph (12) of this subsection (d) or is
17 appealing the order.

18 (15) Compliance with Order Granting Petition to
19 Expunge Records. While a party is seeking relief from the
20 order granting the petition to expunge through a motion
21 filed under paragraph (12) of this subsection (d) or is
22 appealing the order, and unless a court has entered a stay
23 of that order, the parties entitled to notice of the
24 petition must seal, but need not expunge, the records until
25 there is a final order on the motion for relief or, in the
26 case of an appeal, the issuance of that court's mandate.

1 (16) The changes to this subsection (d) made by Public
2 Act 98-163 apply to all petitions pending on August 5, 2013
3 (the effective date of Public Act 98-163) and to all orders
4 ruling on a petition to expunge or seal on or after August
5 5, 2013 (the effective date of Public Act 98-163).

6 (e) Whenever a person who has been convicted of an offense
7 is granted a pardon by the Governor which specifically
8 authorizes expungement, he or she may, upon verified petition
9 to the Chief Judge of the circuit where the person had been
10 convicted, any judge of the circuit designated by the Chief
11 Judge, or in counties of less than 3,000,000 inhabitants, the
12 presiding trial judge at the defendant's trial, have a court
13 order entered expunging the record of arrest from the official
14 records of the arresting authority and order that the records
15 of the circuit court clerk and the Department be sealed until
16 further order of the court upon good cause shown or as
17 otherwise provided herein, and the name of the defendant
18 obliterated from the official index requested to be kept by the
19 circuit court clerk under Section 16 of the Clerks of Courts
20 Act in connection with the arrest and conviction for the
21 offense for which he or she had been pardoned but the order
22 shall not affect any index issued by the circuit court clerk
23 before the entry of the order. All records sealed by the
24 Department may be disseminated by the Department only to the
25 arresting authority, the State's Attorney, and the court upon a
26 later arrest for the same or similar offense or for the purpose

1 of sentencing for any subsequent felony. Upon conviction for
2 any subsequent offense, the Department of Corrections shall
3 have access to all sealed records of the Department pertaining
4 to that individual. Upon entry of the order of expungement, the
5 circuit court clerk shall promptly mail a copy of the order to
6 the person who was pardoned.

7 (e-5) Whenever a person who has been convicted of an
8 offense is granted a certificate of eligibility for sealing by
9 the Prisoner Review Board which specifically authorizes
10 sealing, he or she may, upon verified petition to the Chief
11 Judge of the circuit where the person had been convicted, any
12 judge of the circuit designated by the Chief Judge, or in
13 counties of less than 3,000,000 inhabitants, the presiding
14 trial judge at the petitioner's trial, have a court order
15 entered sealing the record of arrest from the official records
16 of the arresting authority and order that the records of the
17 circuit court clerk and the Department be sealed until further
18 order of the court upon good cause shown or as otherwise
19 provided herein, and the name of the petitioner obliterated
20 from the official index requested to be kept by the circuit
21 court clerk under Section 16 of the Clerks of Courts Act in
22 connection with the arrest and conviction for the offense for
23 which he or she had been granted the certificate but the order
24 shall not affect any index issued by the circuit court clerk
25 before the entry of the order. All records sealed by the
26 Department may be disseminated by the Department only as

1 required by this Act or to the arresting authority, a law
2 enforcement agency, the State's Attorney, and the court upon a
3 later arrest for the same or similar offense or for the purpose
4 of sentencing for any subsequent felony. Upon conviction for
5 any subsequent offense, the Department of Corrections shall
6 have access to all sealed records of the Department pertaining
7 to that individual. Upon entry of the order of sealing, the
8 circuit court clerk shall promptly mail a copy of the order to
9 the person who was granted the certificate of eligibility for
10 sealing.

11 (e-6) Whenever a person who has been convicted of an
12 offense is granted a certificate of eligibility for expungement
13 by the Prisoner Review Board which specifically authorizes
14 expungement, he or she may, upon verified petition to the Chief
15 Judge of the circuit where the person had been convicted, any
16 judge of the circuit designated by the Chief Judge, or in
17 counties of less than 3,000,000 inhabitants, the presiding
18 trial judge at the petitioner's trial, have a court order
19 entered expunging the record of arrest from the official
20 records of the arresting authority and order that the records
21 of the circuit court clerk and the Department be sealed until
22 further order of the court upon good cause shown or as
23 otherwise provided herein, and the name of the petitioner
24 obliterated from the official index requested to be kept by the
25 circuit court clerk under Section 16 of the Clerks of Courts
26 Act in connection with the arrest and conviction for the

1 offense for which he or she had been granted the certificate
2 but the order shall not affect any index issued by the circuit
3 court clerk before the entry of the order. All records sealed
4 by the Department may be disseminated by the Department only as
5 required by this Act or to the arresting authority, a law
6 enforcement agency, the State's Attorney, and the court upon a
7 later arrest for the same or similar offense or for the purpose
8 of sentencing for any subsequent felony. Upon conviction for
9 any subsequent offense, the Department of Corrections shall
10 have access to all expunged records of the Department
11 pertaining to that individual. Upon entry of the order of
12 expungement, the circuit court clerk shall promptly mail a copy
13 of the order to the person who was granted the certificate of
14 eligibility for expungement.

15 (f) Subject to available funding, the Illinois Department
16 of Corrections shall conduct a study of the impact of sealing,
17 especially on employment and recidivism rates, utilizing a
18 random sample of those who apply for the sealing of their
19 criminal records under Public Act 93-211. At the request of the
20 Illinois Department of Corrections, records of the Illinois
21 Department of Employment Security shall be utilized as
22 appropriate to assist in the study. The study shall not
23 disclose any data in a manner that would allow the
24 identification of any particular individual or employing unit.
25 The study shall be made available to the General Assembly no
26 later than September 1, 2010.

1 (Source: P.A. 98-133, eff. 1-1-14; 98-142, eff. 1-1-14; 98-163,
2 eff. 8-5-13; 98-164, eff. 1-1-14; 98-399, eff. 8-16-13; 98-635,
3 eff. 1-1-15; 98-637, eff. 1-1-15; 98-756, eff. 7-16-14;
4 98-1009, eff. 1-1-15; 99-78, eff. 7-20-15; 99-378, eff. 1-1-16;
5 99-385, eff. 1-1-16; 99-642, eff. 7-28-16; 99-697, eff.
6 7-29-16; 99-881, eff. 1-1-17; revised 9-2-16.)

7 Section 150. The Illinois Uniform Conviction Information
8 Act is amended by changing Section 3 as follows:

9 (20 ILCS 2635/3) (from Ch. 38, par. 1603)

10 Sec. 3. Definitions. Whenever used in this Act, and for the
11 purposes of this Act, unless the context clearly indicates
12 otherwise:

13 (A) "Accurate" means factually correct, containing no
14 mistake or error of a material nature.

15 (B) The phrase "administer the criminal laws" includes any
16 of the following activities: intelligence gathering,
17 surveillance, criminal investigation, crime detection and
18 prevention (including research), apprehension, detention,
19 pretrial or post-trial release, prosecution, the correctional
20 supervision or rehabilitation of accused persons or criminal
21 offenders, criminal identification activities, data analysis
22 and research done by the sentencing commission, or the
23 collection, maintenance or dissemination of criminal history
24 record information.

1 (C) "The Authority" means the Illinois Criminal Justice
2 Information Authority.

3 (D) "Automated" means the utilization of computers,
4 telecommunication lines, or other automatic data processing
5 equipment for data collection or storage, analysis,
6 processing, preservation, maintenance, dissemination, or
7 display and is distinguished from a system in which such
8 activities are performed manually.

9 (E) "Complete" means accurately reflecting all the
10 criminal history record information about an individual that is
11 required to be reported to the Department pursuant to Section
12 2.1 of the Criminal Identification Act.

13 (F) "Conviction information" means data reflecting a
14 judgment of guilt or nolo contendere. The term includes all
15 prior and subsequent criminal history events directly relating
16 to such judgments, such as, but not limited to: (1) the
17 notation of arrest; (2) the notation of charges filed; (3) the
18 sentence imposed; (4) the fine imposed; and (5) all related
19 probation, parole, and release information. Information ceases
20 to be "conviction information" when a judgment of guilt is
21 reversed or vacated.

22 For purposes of this Act, continuances to a date certain in
23 furtherance of an order of supervision granted under Section
24 5-6-1 of the Unified Code of Corrections or an order of
25 probation granted under either Section 10 of the Cannabis
26 Control Act, Section 410 of the Illinois Controlled Substances

1 Act, Section 70 of the Methamphetamine Control and Community
2 Protection Act, Section 12-4.3 or subdivision (b) (1) of Section
3 12-3.05 of the Criminal Code of 1961 or the Criminal Code of
4 2012, Section 10-102 of the Illinois Alcoholism and Other Drug
5 Dependency Act, Section 40-10 of the Alcoholism and Other Drug
6 Abuse and Dependency Act, or Section 10 of the Steroid Control
7 Act shall not be deemed "conviction information".

8 (G) "Criminal history record information" means data
9 identifiable to an individual, including information collected
10 under Section 4.5 of the Criminal Identification Act, and
11 consisting of descriptions or notations of arrests,
12 detentions, indictments, informations, pretrial proceedings,
13 trials, or other formal events in the criminal justice system
14 or descriptions or notations of criminal charges (including
15 criminal violations of local municipal ordinances) and the
16 nature of any disposition arising therefrom, including
17 sentencing, court or correctional supervision, rehabilitation
18 and release. The term does not apply to statistical records and
19 reports in which individuals ~~individual~~ are not identified and
20 from which their identities are not ascertainable, or to
21 information that is for criminal investigative or intelligence
22 purposes.

23 (H) "Criminal justice agency" means (1) a government agency
24 or any subunit thereof which is authorized to administer the
25 criminal laws and which allocates a substantial part of its
26 annual budget for that purpose, or (2) an agency supported by

1 public funds which is authorized as its principal function to
2 administer the criminal laws and which is officially designated
3 by the Department as a criminal justice agency for purposes of
4 this Act.

5 (I) "The Department" means the Illinois Department of State
6 Police.

7 (J) "Director" means the Director of the Illinois
8 Department of State Police.

9 (K) "Disseminate" means to disclose or transmit conviction
10 information in any form, oral, written, or otherwise.

11 (L) "Exigency" means pending danger or the threat of
12 pending danger to an individual or property.

13 (M) "Non-criminal justice agency" means a State agency,
14 Federal agency, or unit of local government that is not a
15 criminal justice agency. The term does not refer to private
16 individuals, corporations, or non-governmental agencies or
17 organizations.

18 (M-5) "Request" means the submission to the Department, in
19 the form and manner required, the necessary data elements or
20 fingerprints, or both, to allow the Department to initiate a
21 search of its criminal history record information files.

22 (N) "Requester" means any private individual, corporation,
23 organization, employer, employment agency, labor organization,
24 or non-criminal justice agency that has made a request pursuant
25 to this Act to obtain conviction information maintained in the
26 files of the Department of State Police regarding a particular

1 individual.

2 (O) "Statistical information" means data from which the
3 identity of an individual cannot be ascertained,
4 reconstructed, or verified and to which the identity of an
5 individual cannot be linked by the recipient of the
6 information.

7 (P) "Sentencing commission" means the Sentencing Policy
8 Advisory Council.

9 (Source: P.A. 98-528, eff. 1-1-15; 99-880, eff. 8-22-16;
10 revised 10-27-16.)

11 Section 155. The Department of Veterans Affairs Act is
12 amended by changing Section 20 as follows:

13 (20 ILCS 2805/20)

14 Sec. 20. Illinois Discharged Servicemember Task Force. The
15 Illinois Discharged Servicemember Task Force is hereby created
16 within the Department of Veterans' ~~Veterans~~ Affairs. The Task
17 Force shall investigate the re-entry process for service
18 members who return to civilian life after being engaged in an
19 active theater. The investigation shall include the effects of
20 post-traumatic stress disorder, homelessness, disabilities,
21 and other issues the Task Force finds relevant to the re-entry
22 process. For fiscal year 2012, the Task Force shall include the
23 availability of prosthetics in its investigation. For fiscal
24 year 2014, the Task Force shall include the needs of women

1 veterans with respect to issues including, but not limited to,
2 compensation, rehabilitation, outreach, health care, and
3 issues facing women veterans in the community, and to offer
4 recommendations on how best to alleviate these needs which
5 shall be included in the Task Force Annual Report for 2014. The
6 Task Force shall include the following members:

7 (a) a representative of the Department of Veterans'
8 ~~Veterans~~ Affairs, who shall chair the committee;

9 (b) a representative from the Department of Military
10 Affairs;

11 (c) a representative from the Office of the Illinois
12 Attorney General;

13 (d) a member of the General Assembly appointed by the
14 Speaker of the House;

15 (e) a member of the General Assembly appointed by the
16 House Minority Leader;

17 (f) a member of the General Assembly appointed by the
18 President of the Senate;

19 (g) a member of the General Assembly appointed by the
20 Senate Minority Leader;

21 (h) 4 members chosen by the Department of Veterans'
22 ~~Veterans~~ Affairs, who shall represent statewide veterans'
23 organizations or veterans' homeless shelters;

24 (i) one member appointed by the Lieutenant Governor;
25 and

26 (j) a representative of the United States Department of

1 Veterans Affairs shall be invited to participate.
2 Vacancies in the Task Force shall be filled by the initial
3 appointing authority. Task Force members shall serve without
4 compensation, but may be reimbursed for necessary expenses
5 incurred in performing duties associated with the Task Force.

6 By July 1, 2008 and by July 1 of each year thereafter, the
7 Task Force shall present an annual report of its findings to
8 the Governor, the Attorney General, the Director of Veterans'
9 Affairs, the Lieutenant Governor, and the Secretary of the
10 United States Department of Veterans Affairs.

11 If the Task Force becomes inactive because active theaters
12 cease, the Director of Veterans' ~~Veterans~~ Affairs may
13 reactivate the Task Force if active theaters are reestablished.
14 (Source: P.A. 97-414, eff. 1-1-12; 98-310, eff. 8-12-13;
15 revised 9-8-16.)

16 Section 160. The Illinois Finance Authority Act is amended
17 by changing Section 825-65 and the heading of Article 835 as
18 follows:

19 (20 ILCS 3501/825-65)

20 Sec. 825-65. Clean Coal, Coal, Energy Efficiency, and
21 Renewable Energy Project Financing.

22 (a) Findings and declaration of policy.

23 (i) It is hereby found and declared that Illinois has
24 abundant coal resources and, in some areas of Illinois, the

1 demand for power exceeds the generating capacity.
2 Incentives to encourage the construction of coal-fueled
3 electric generating plants in Illinois to ensure power
4 generating capacity into the future and to advance clean
5 coal technology and the use of Illinois coal are in the
6 best interests of all of the citizens of Illinois.

7 (ii) It is further found and declared that Illinois has
8 abundant potential and resources to develop renewable
9 energy resource projects and that there are many
10 opportunities to invest in cost-effective energy
11 efficiency projects throughout the State. The development
12 of those projects will create jobs and investment as well
13 as decrease environmental impacts and promote energy
14 independence in Illinois. Accordingly, the development of
15 those projects is in the best interests of all of the
16 citizens of Illinois.

17 (iii) The Authority is authorized to issue bonds to
18 help finance Clean Coal, Coal, Energy Efficiency, and
19 Renewable Energy projects pursuant to this Section.

20 (b) Definitions.

21 (i) "Clean Coal Project" means (A) "clean coal
22 facility", as defined in Section 1-10 of the Illinois Power
23 Agency Act; (B) "clean coal SNG facility", as defined in
24 Section 1-10 of the Illinois Power Agency Act; (C)
25 transmission lines and associated equipment that transfer
26 electricity from points of supply to points of delivery for

1 projects described in this subsection (b); (D) pipelines or
2 other methods to transfer carbon dioxide from the point of
3 production to the point of storage or sequestration for
4 projects described in this subsection (b); or (E) projects
5 to provide carbon abatement technology for existing
6 generating facilities.

7 (ii) "Coal Project" means new electric generating
8 facilities or new gasification facilities, as defined in
9 Section 605-332 of the Department of Commerce and Economic
10 Opportunity Law of the Civil Administrative Code of
11 Illinois, which may include mine-mouth power plants,
12 projects that employ the use of clean coal technology,
13 projects to provide scrubber technology for existing
14 energy generating plants, or projects to provide electric
15 transmission facilities or new gasification facilities.

16 (iii) "Energy Efficiency Project" means measures that
17 reduce the amount of electricity or natural gas required to
18 achieve a given end use, consistent with Section 1-10 of
19 the Illinois Power Agency Act. "Energy Efficiency Project"
20 also includes measures that reduce the total Btus of
21 electricity and natural gas needed to meet the end use or
22 uses consistent with Section 1-10 of the Illinois Power
23 Agency Act.

24 (iv) "Renewable Energy Project" means (A) a project
25 that uses renewable energy resources, as defined in Section
26 1-10 of the Illinois Power Agency Act; (B) a project that

1 uses environmentally preferable technologies and practices
2 that result in improvements to the production of renewable
3 fuels, including but not limited to, cellulosic
4 conversion, water and energy conservation, fractionation,
5 alternative feedstocks, or reduced greenhouse ~~green-house~~
6 gas emissions; (C) transmission lines and associated
7 equipment that transfer electricity from points of supply
8 to points of delivery for projects described in this
9 subsection (b); or (D) projects that use technology for the
10 storage of renewable energy, including, without
11 limitation, the use of battery or electrochemical storage
12 technology for mobile or stationary applications.

13 (c) Creation of reserve funds. The Authority may establish
14 and maintain one or more reserve funds to enhance bonds issued
15 by the Authority for a Clean Coal Project, a Coal Project, an
16 Energy Efficiency Project, or a Renewable Energy Project. There
17 may be one or more accounts in these reserve funds in which
18 there may be deposited:

19 (1) any proceeds of the bonds issued by the Authority
20 required to be deposited therein by the terms of any
21 contract between the Authority and its bondholders or any
22 resolution of the Authority;

23 (2) any other moneys or funds of the Authority that it
24 may determine to deposit therein from any other source; and

25 (3) any other moneys or funds made available to the
26 Authority. Subject to the terms of any pledge to the owners

1 of any bonds, moneys in any reserve fund may be held and
2 applied to the payment of principal, premium, if any, and
3 interest of such bonds.

4 (d) Powers and duties. The Authority has the power:

5 (1) To issue bonds in one or more series pursuant to
6 one or more resolutions of the Authority for any Clean Coal
7 Project, Coal Project, Energy Efficiency Project, or
8 Renewable Energy Project authorized under this Section,
9 within the authorization set forth in subsection (e).

10 (2) To provide for the funding of any reserves or other
11 funds or accounts deemed necessary by the Authority in
12 connection with any bonds issued by the Authority.

13 (3) To pledge any funds of the Authority or funds made
14 available to the Authority that may be applied to such
15 purpose as security for any bonds or any guarantees,
16 letters of credit, insurance contracts or similar credit
17 support or liquidity instruments securing the bonds.

18 (4) To enter into agreements or contracts with third
19 parties, whether public or private, including, without
20 limitation, the United States of America, the State or any
21 department or agency thereof, to obtain any
22 appropriations, grants, loans or guarantees that are
23 deemed necessary or desirable by the Authority. Any such
24 guarantee, agreement or contract may contain terms and
25 provisions necessary or desirable in connection with the
26 program, subject to the requirements established by the

1 Act.

2 (5) To exercise such other powers as are necessary or
3 incidental to the foregoing.

4 (e) Clean Coal Project, Coal Project, Energy Efficiency
5 Project, and Renewable Energy Project bond authorization and
6 financing limits. In addition to any other bonds authorized to
7 be issued under Sections 801-40(w), 825-60, 830-25 and 845-5,
8 the Authority may have outstanding, at any time, bonds for the
9 purpose enumerated in this Section 825-65 in an aggregate
10 principal amount that shall not exceed \$3,000,000,000, subject
11 to the following limitations: (i) up to \$300,000,000 may be
12 issued to finance projects, as described in clause (C) of
13 subsection (b)(i) and clause (C) of subsection (b)(iv) of this
14 Section 825-65; (ii) up to \$500,000,000 may be issued to
15 finance projects, as described in clauses (D) and (E) of
16 subsection (b)(i) of this Section 825-65; (iii) up to
17 \$2,000,000,000 may be issued to finance Clean Coal Projects, as
18 described in clauses (A) and (B) of subsection (b)(i) of this
19 Section 825-65 and Coal Projects, as described in subsection
20 (b)(ii) of this Section 825-65; and (iv) up to \$2,000,000,000
21 may be issued to finance Energy Efficiency Projects, as
22 described in subsection (b)(iii) of this Section 825-65 and
23 Renewable Energy Projects, as described in clauses (A), (B),
24 and (D) of subsection (b)(iii) of this Section 825-65. An
25 application for a loan financed from bond proceeds from a
26 borrower or its affiliates for a Clean Coal Project, a Coal

1 Project, Energy Efficiency Project, or a Renewable Energy
2 Project may not be approved by the Authority for an amount in
3 excess of \$450,000,000 for any borrower or its affiliates. A
4 Clean Coal Project or Coal Project must be located within the
5 State. An Energy Efficiency Project may be located within the
6 State or outside the State, provided that, if the Energy
7 Efficiency Project is located outside of the State, it must be
8 owned, operated, leased, or managed by an entity located within
9 the State or any entity affiliated with an entity located
10 within the State. These bonds shall not constitute an
11 indebtedness or obligation of the State of Illinois and it
12 shall be plainly stated on the face of each bond that it does
13 not constitute an indebtedness or obligation of the State of
14 Illinois, but is payable solely from the revenues, income or
15 other assets of the Authority pledged therefor.

16 (f) The bonding authority granted under this Section is in
17 addition to and not limited by the provisions of Section 845-5.
18 (Source: P.A. 98-90, eff. 7-15-13; revised 9-8-16.)

19 (20 ILCS 3501/Art. 835 heading)

20 ARTICLE 835~~7~~

21 VETERANS ASSISTANCE

22 (Source: P.A. 99-509, eff. 6-24-16; revised 10-26-16.)

23 Section 165. The Alton Lake Heritage Parkway Corridor Law
24 is amended by changing Section 1005 as follows:

1 (20 ILCS 3905/1005) (from Ch. 105, par. 905)

2 Sec. 1005. Advisory Commission. The State of Illinois, in
3 carrying forward its duties to preserve or enhance the quality
4 of this Parkway Corridor, shall establish the Alton Lake
5 Heritage Parkway Advisory Commission. Beginning on January 1,
6 1994 (the effective date of Public Act 88-274) ~~this amendatory~~
7 ~~Act of 1993~~, the Commission shall be known as, and its name
8 shall be changed to, the Alton Lake Heritage Parkway Corridor
9 Advisory Commission.

10 The Commission shall consist of 10 members, one each from
11 Alton and Godfrey Townships in Madison County, one each from
12 Quarry and Elsay Townships in Jersey County, one each from the
13 cities of Alton, Elsay, and Grafton, one from the Village of
14 Godfrey, and one each from Madison and Jersey Counties. The
15 Supervisor of each Township, the Mayor of each municipality,
16 and the County Board Chairman of each county shall appoint the
17 members from their respective township, municipality, or
18 county. The Mississippi River Parkway Advisory Council shall
19 serve as a technical advisory body to the Commission.

20 The Commission will develop a land management plan that it
21 will recommend to the General Assembly by November 1, 1992.

22 The plan shall be subject to a public informational meeting
23 prior to it being sent to the General Assembly. Thereafter the
24 Commission is authorized to facilitate, coordinate, make
25 recommendations for implementing, and assist in implementing

1 the land management plan in the parkway corridor and its
2 viewshed, conservation, and open land-agricultural cores.

3 The Commission may raise, accept, and expend funds from
4 public and private sources for the purpose of developing,
5 facilitating and coordinating and making recommendations for
6 the implementation of, and assisting in the implementation of,
7 the land management plan in the parkway corridor.

8 Using funds that it receives as authorized by this Section,
9 the Commission may select and contract with a multidiscipline
10 design consultant to assist the Commission in the design and
11 development of the parkway corridor.

12 The Commission is authorized to cooperate with
13 not-for-profit corporations empowered to establish trusts to
14 acquire and hold title to scenic easements and other interests
15 in land for the purposes of this Article and implementation of
16 the land management plan in the parkway corridor.

17 (Source: P.A. 87-215; 87-867; 87-964; 88-45; 88-274; revised
18 9-19-16.)

19 Section 170. The Illinois Health Facilities Planning Act is
20 amended by changing Section 8.5 as follows:

21 (20 ILCS 3960/8.5)

22 (Section scheduled to be repealed on December 31, 2019)

23 Sec. 8.5. Certificate of exemption for change of ownership
24 of a health care facility; discontinuation of a health care

1 facility or category of service; public notice and public
2 hearing.

3 (a) Upon a finding that an application for a change of
4 ownership is complete, the State Board shall publish a legal
5 notice on one day in a newspaper of general circulation in the
6 area or community to be affected and afford the public an
7 opportunity to request a hearing. If the application is for a
8 facility located in a Metropolitan Statistical Area, an
9 additional legal notice shall be published in a newspaper of
10 limited circulation, if one exists, in the area in which the
11 facility is located. If the newspaper of limited circulation is
12 published on a daily basis, the additional legal notice shall
13 be published on one day. The applicant shall pay the cost
14 incurred by the Board in publishing the change of ownership
15 notice in newspapers as required under this subsection. The
16 legal notice shall also be posted on the Health Facilities and
17 Services Review Board's web site and sent to the State
18 Representative and State Senator of the district in which the
19 health care facility is located. An application for change of
20 ownership of a hospital shall not be deemed complete without a
21 signed certification that for a period of 2 years after the
22 change of ownership transaction is effective, the hospital will
23 not adopt a charity care policy that is more restrictive than
24 the policy in effect during the year prior to the transaction.
25 An application for a change of ownership need not contain
26 signed transaction documents so long as it includes the

1 following key terms of the transaction: names and background of
2 the parties; structure of the transaction; the person who will
3 be the licensed or certified entity after the transaction; the
4 ownership or membership interests in such licensed or certified
5 entity both prior to and after the transaction; fair market
6 value of assets to be transferred; and the purchase price or
7 other form of consideration to be provided for those assets.
8 The issuance of the certificate of exemption shall be
9 contingent upon the applicant submitting a statement to the
10 Board within 90 days after the closing date of the transaction,
11 or such longer period as provided by the Board, certifying that
12 the change of ownership has been completed in accordance with
13 the key terms contained in the application. If such key terms
14 of the transaction change, a new application shall be required.

15 Where a change of ownership is among related persons, and
16 there are no other changes being proposed at the health care
17 facility that would otherwise require a permit or exemption
18 under this Act, the applicant shall submit an application
19 consisting of a standard notice in a form set forth by the
20 Board briefly explaining the reasons for the proposed change of
21 ownership. Once such an application is submitted to the Board
22 and reviewed by the Board staff, the Board Chair shall take
23 action on an application for an exemption for a change of
24 ownership among related persons within 45 days after the
25 application has been deemed complete, provided the application
26 meets the applicable standards under this Section. If the Board

1 Chair has a conflict of interest or for other good cause, the
2 Chair may request review by the Board. Notwithstanding any
3 other provision of this Act, for purposes of this Section, a
4 change of ownership among related persons means a transaction
5 where the parties to the transaction are under common control
6 or ownership before and after the transaction is completed.

7 Nothing in this Act shall be construed as authorizing the
8 Board to impose any conditions, obligations, or limitations,
9 other than those required by this Section, with respect to the
10 issuance of an exemption for a change of ownership, including,
11 but not limited to, the time period before which a subsequent
12 change of ownership of the health care facility could be
13 sought, or the commitment to continue to offer for a specified
14 time period any services currently offered by the health care
15 facility.

16 (a-3) Upon a finding that an application to close a health
17 care facility is complete, the State Board shall publish a
18 legal notice on 3 consecutive days in a newspaper of general
19 circulation in the area or community to be affected and afford
20 the public an opportunity to request a hearing. If the
21 application is for a facility located in a Metropolitan
22 Statistical Area, an additional legal notice shall be published
23 in a newspaper of limited circulation, if one exists, in the
24 area in which the facility is located. If the newspaper of
25 limited circulation is published on a daily basis, the
26 additional legal notice shall be published on 3 consecutive

1 days. The legal notice shall also be posted on the Health
2 Facilities and Services Review Board's web site and sent to the
3 State Representative and State Senator of the district in which
4 the health care facility is located. In addition, the health
5 care facility shall provide notice of closure to the local
6 media that the health care facility would routinely notify
7 about facility events. No later than 90 days after a
8 discontinuation of a health facility, the applicant must submit
9 a statement to the State Board certifying that the
10 discontinuation is complete.

11 (a-5) Upon a finding that an application to discontinue a
12 category of service is complete and provides the requested
13 information, as specified by the State Board, an exemption
14 shall be issued. No later than 30 days after the issuance of
15 the exemption, the health care facility must give written
16 notice of the discontinuation of the category of service to the
17 State Senator and State Representative serving the legislative
18 district in which the health care facility is located. No later
19 than 90 days after a discontinuation of a category of service,
20 the applicant must submit a statement to the State Board
21 certifying that the discontinuation is complete.

22 (b) If a public hearing is requested, it shall be held at
23 least 15 days but no more than 30 days after the date of
24 publication of the legal notice in the community in which the
25 facility is located. The hearing shall be held in the affected
26 area or community in a place of reasonable size and

1 accessibility and a full and complete written transcript of the
2 proceedings shall be made. All interested persons attending the
3 hearing shall be given a reasonable opportunity to present
4 their positions in writing or orally. The applicant shall
5 provide a summary of the proposal for distribution at the
6 public hearing.

7 (c) For the purposes of this Section "newspaper of limited
8 circulation" means a newspaper intended to serve a particular
9 or defined population of a specific geographic area within a
10 Metropolitan Statistical Area such as a municipality, town,
11 village, township, or community area, but does not include
12 publications of professional and trade associations.

13 (Source: P.A. 98-1086, eff. 8-26-14; 99-154, eff. 7-28-15;
14 99-527, eff. 1-1-17; 99-551, eff. 7-15-16; revised 9-13-16.)

15 Section 175. The Illinois Latino Family Commission Act is
16 amended by changing Section 5 as follows:

17 (20 ILCS 3983/5)

18 Sec. 5. Legislative findings ~~Findings~~. It is the policy of
19 this State to promote family preservation and to strengthen
20 families.

21 Latinos are well represented among the families of
22 Illinois. The Illinois Latino population is the fifth largest
23 in the nation. Over 14% of the estimated 12,000,000 people that
24 live in Illinois are Latinos. According to the 2000 Census

1 figures, more than 1,750,000 Latinos make Illinois their home.
2 This figure represents a 69.2% increase from the 1990 Census
3 figures compared to about 3.5% for non-Latinos. The Latino
4 population explosion accounted for two-thirds of the total
5 population change in Illinois and it is visible throughout the
6 State.

7 In Cook County alone, the Latino population has increased
8 to about 1,071,740. In the 6 county region including Cook
9 County, nearly 69% of new residents were Hispanic. Roughly
10 23.7% of Kane County residents are Latino. In Lake County,
11 Latinos make up 14.4% of the total county population.

12 Latinos are not only the fastest growing ethnic group in
13 the State, they are also the youngest. The median age for
14 Latinos in Illinois is 25, compared to 36 for non-Latinos.
15 Despite unprecedented population growth, Latinos lag behind in
16 major indicators of well-being relative to education, health,
17 employment, and child welfare, as well as representation
18 throughout the State. Moreover, Latino children and families
19 present unique linguistic, cultural, and immigration issues
20 for the State.

21 Latinos have a well-established presence in the child
22 welfare system. Of the total 86,973 children that were reported
23 abused or neglected in Fiscal Year 2001, about 8,442 or 9.7%
24 were Hispanic children. About 25% of these hotline reports were
25 indicated, for a total of 2,155 Latino children in Fiscal Year
26 2001. As of August 2003, there were about 1,367 open Latino

1 child abuse cases in Illinois. This figure is only slightly
2 lower than the 1,491 open Latino child cases reported for the
3 previous fiscal year. Hispanic cases make up about 6% of all
4 open child cases (excluding adoption assistance and home of
5 parent living arrangement). Latino families receiving services
6 make up about 16% of all intact family cases. It is estimated
7 that between 60% and 80% of all Latino families involved with
8 the Illinois Department of Children ~~Child~~ and Family Services
9 (IDCFS) will need bilingual services at some point during the
10 time their case is open. However, IDCFS struggles to meet the
11 demand for bilingual services. There are similar examples
12 throughout the State demonstrating that Illinois lacks a
13 unified and comprehensive strategy for addressing the unique
14 needs of Latino families.

15 Latino families remain outside of the margins of
16 opportunities in the State. There are tremendous challenges
17 faced by Latino families and children in the State. Clearly,
18 the growing Latino presence demands that government, child and
19 family advocates, and other key stakeholders come together to
20 identify and implement policy strategies that can create an
21 infrastructure of support for Latino families in the State.
22 Building this needed infrastructure of policies must involve
23 multiple State agencies. The Illinois Latino Family Commission
24 shall lead the effort, advising the Governor and assisting
25 State agencies with this task.

26 (Source: P.A. 95-619, eff. 9-14-07; revised 9-16-16.)

1 Section 180. The Fair Practices in Contracting Task Force
2 Act is amended by changing Section 5 as follows:

3 (20 ILCS 5080/5)

4 (Section scheduled to be repealed on January 2, 2019)

5 Sec. 5. Purpose and members.

6 (a) There is created the Fair Practices in Contracting Task
7 Force to:

8 (1) thoroughly survey African-American-owned business
9 participation in State procurement;

10 (2) study African-American-owned subcontractors'
11 ability to be paid in a timely manner and the communication
12 processes between subcontractors and prime contractors and
13 the State;

14 (3) research solutions and methods to address the
15 disparity in procurement awards; and

16 (4) produce a final report summarizing the Task Force's
17 findings and detailing recommended statutory or
18 constitutional strategies to recognize best practices.

19 (b) The Task Force shall consist of the following members:

20 (1) One member of the House of Representatives,
21 appointed by the Speaker of the House of Representatives;

22 (2) One member of the House of Representatives,
23 appointed by the Minority Leader of the House of
24 Representatives;

1 (3) One member of the Senate, appointed by the
2 President of the Senate;

3 (4) One member of the Senate, appointed by the Minority
4 Leader of the Senate;

5 (5) Four members appointed by the Governor, 3 of whom
6 must be from the Department of Central Management Services,
7 the Department of Transportation, or the Department of
8 Healthcare ~~Health~~ and Family Services, and one of whom must
9 be a member of the Illinois African-American Family
10 Commission; and

11 (6) Four members of the public, representing
12 minority-owned businesses, appointed by the Governor.

13 (c) Members shall serve without compensation.

14 (Source: P.A. 99-451, eff. 6-1-16; revised 9-12-16.)

15 Section 185. The Judicial Note Act is amended by changing
16 Section 2 as follows:

17 (25 ILCS 60/2) (from Ch. 63, par. 42.62)

18 Sec. 2. The sponsor of each bill referred to in Section 17
19 shall present a copy of the bill, with his requirements for a
20 judicial note, to the Supreme Court. The judicial note shall be
21 prepared by the Supreme Court and furnished to the sponsor of
22 the bill within 5 calendar days thereafter; except that
23 whenever, because of the complexity of the measure, additional
24 time is required for the preparation of the judicial note the

1 Supreme Court may so inform the sponsor of the bill and he may
2 approve an extension of the time within which the note should
3 be furnished, not to extend, however, beyond June 15 the odd
4 numbered year following the date of request. Whenever any
5 measure by which a judicial note is requested affects ~~effects~~
6 more than one county, circuit, or judicial district, such
7 effect must be set forth in the judicial note.

8 (Source: P.A. 84-1395; revised 9-6-16.)

9 Section 190. The Housing Affordability Impact Note Act is
10 amended by changing Section 10 as follows:

11 (25 ILCS 82/10)

12 Sec. 10. Preparation. The sponsor of each bill, or the
13 agency proposing a rule, to which Section ~~Sec.~~ 5 applies, shall
14 present a copy of the bill or proposed rule, with the request
15 for a housing affordability impact note, to the Illinois
16 Housing Development Authority. The housing affordability
17 impact note shall be prepared by the Illinois Housing
18 Development Authority and submitted to the sponsor of the bill
19 or the agency within 5 calendar days, except that whenever,
20 because of the complexity of the measure, additional time is
21 required for the preparation of the housing affordability
22 impact note, the Illinois Housing Development Authority may
23 inform the sponsor of the bill or the agency, and the sponsor
24 or agency may approve an extension of the time within which the

1 note is to be submitted, not to extend, however, beyond June
2 15, following the date of the request. The Illinois Housing
3 Development Authority may seek assistance from a Statewide
4 trade organization representing the real estate or home
5 building industry in the preparation of a housing affordability
6 impact note. If, in the opinion of the Illinois Housing
7 Development Authority, there is insufficient information to
8 prepare a reliable estimate of the anticipated impact, a
9 statement to that effect can be filed and shall meet the
10 requirements of this Act.

11 (Source: P.A. 87-1149; 88-61; revised 9-7-16.)

12 Section 195. The State Finance Act is amended by setting
13 forth and renumbering multiple versions of Sections 5.595 and
14 5.875 and by changing Sections 6z-9 and 8g as follows:

15 (30 ILCS 105/5.595)

16 Sec. 5.595. (Repealed).

17 (Source: P.A. 95-331, eff. 8-21-07. Repealed by P.A. 99-576,
18 eff. 7-15-16.)

19 (30 ILCS 105/5.595a)

20 Sec. 5.595a ~~5.595~~. The Local Legacy Fund.

21 (Source: P.A. 93-328, eff. 1-1-04; revised 10-4-16.)

22 (30 ILCS 105/5.874)

1 Sec. 5.874 ~~5.875~~. The Child Bereavement Fund.

2 (Source: P.A. 99-703, eff. 7-29-16; revised 10-4-16.)

3 (30 ILCS 105/5.875)

4 Sec. 5.875. The Roadside Monarch Habitat Fund.

5 (Source: P.A. 99-723, eff. 8-5-16.)

6 (30 ILCS 105/5.876)

7 Sec. 5.876 ~~5.875~~. The State Military Justice Fund.

8 (Source: P.A. 99-796, eff. 1-1-17; revised 10-4-16.)

9 (30 ILCS 105/6z-9) (from Ch. 127, par. 142z-9)

10 Sec. 6z-9. (a) The Build Illinois Fund is created in the
11 State Treasury. All tax revenues and other moneys from whatever
12 source which by law are required to be deposited in the Build
13 Illinois Fund shall be paid into the Build Illinois Fund upon
14 their collection, payment or other receipt as provided by law,
15 including the pledge set forth in Section 12 of the Build
16 Illinois Bond Act. All tax revenues and other moneys paid into
17 the Build Illinois Fund shall be promptly invested by the State
18 Treasurer in accordance with law, and all interest or other
19 earnings accruing or received thereon shall be credited to and
20 paid into the Build Illinois Fund. No tax revenues or other
21 moneys, interest or earnings paid into the Build Illinois Fund
22 shall be transferred or allocated by the Comptroller or
23 Treasurer to any other fund, nor shall the Governor authorize

1 any such transfer or allocation, nor shall any tax revenues or
2 other moneys, interest or earnings paid into the Build Illinois
3 Fund be used, temporarily or otherwise, for interfund
4 borrowing, or be otherwise used or appropriated, except as
5 expressly authorized and provided in Section 8.25 of this Act
6 for the sole purposes and subject to the priorities,
7 limitations and conditions prescribed therein.

8 (b) The tax revenues and other moneys shall be paid into
9 the Build Illinois Fund pursuant to Section 6z-17 of this Act,
10 Section 28 of the "Illinois Horse Racing Act of 1975", ~~as~~
11 ~~amended~~, Section 9 of the "Use Tax Act", ~~as amended~~, Section 9
12 of the "Service Use Tax Act", ~~as amended~~, Section 9 of the
13 "Service Occupation Tax Act", ~~as amended~~, Section 3 of the
14 "Retailers' Occupation Tax Act", ~~as amended~~, Section 4.05 of
15 the "Chicago World's Fair - 1992 Authority Act", ~~as amended~~,
16 and Sections 3 and 6 of the ~~"The~~ Hotel Operators' Occupation
17 Tax Act", ~~as amended~~.

18 (Source: P.A. 91-51, eff. 6-30-99; revised 9-8-16.)

19 (30 ILCS 105/8g)

20 Sec. 8g. Fund transfers.

21 (a) In addition to any other transfers that may be provided
22 for by law, as soon as may be practical after June 9, 1999 (the
23 effective date of Public Act 91-25) ~~this amendatory Act of the~~
24 ~~91st General Assembly~~, the State Comptroller shall direct and
25 the State Treasurer shall transfer the sum of \$10,000,000 from

1 the General Revenue Fund to the Motor Vehicle License Plate
2 Fund created by Public Act 91-37 ~~Senate Bill 1028 of the 91st~~
3 ~~General Assembly.~~

4 (b) In addition to any other transfers that may be provided
5 for by law, as soon as may be practical after June 9, 1999 (the
6 effective date of Public Act 91-25) ~~this amendatory Act of the~~
7 ~~91st General Assembly~~, the State Comptroller shall direct and
8 the State Treasurer shall transfer the sum of \$25,000,000 from
9 the General Revenue Fund to the Fund for Illinois' Future
10 created by Public Act 91-38 ~~Senate Bill 1066 of the 91st~~
11 ~~General Assembly.~~

12 (c) In addition to any other transfers that may be provided
13 for by law, on August 30 of each fiscal year's license period,
14 the Illinois Liquor Control Commission shall direct and the
15 State Comptroller and State Treasurer shall transfer from the
16 General Revenue Fund to the Youth Alcoholism and Substance
17 Abuse Prevention Fund an amount equal to the number of retail
18 liquor licenses issued for that fiscal year multiplied by \$50.

19 (d) The payments to programs required under subsection (d)
20 of Section 28.1 of the Illinois Horse Racing Act of 1975 shall
21 be made, pursuant to appropriation, from the special funds
22 referred to in the statutes cited in that subsection, rather
23 than directly from the General Revenue Fund.

24 Beginning January 1, 2000, on the first day of each month,
25 or as soon as may be practical thereafter, the State
26 Comptroller shall direct and the State Treasurer shall transfer

1 from the General Revenue Fund to each of the special funds from
2 which payments are to be made under Section 28.1(d) of the
3 Illinois Horse Racing Act of 1975 an amount equal to 1/12 of
4 the annual amount required for those payments from that special
5 fund, which annual amount shall not exceed the annual amount
6 for those payments from that special fund for the calendar year
7 1998. The special funds to which transfers shall be made under
8 this subsection (d) include, but are not necessarily limited
9 to, the Agricultural Premium Fund; the Metropolitan
10 Exposition, Auditorium and Office Building Fund; the Fair and
11 Exposition Fund; the Illinois Standardbred Breeders Fund; the
12 Illinois Thoroughbred Breeders Fund; and the Illinois
13 Veterans' Rehabilitation Fund.

14 (e) In addition to any other transfers that may be provided
15 for by law, as soon as may be practical after May 17, 2000 (the
16 effective date of Public Act 91-704) ~~this amendatory Act of the~~
17 ~~91st General Assembly~~, but in no event later than June 30,
18 2000, the State Comptroller shall direct and the State
19 Treasurer shall transfer the sum of \$15,000,000 from the
20 General Revenue Fund to the Fund for Illinois' Future.

21 (f) In addition to any other transfers that may be provided
22 for by law, as soon as may be practical after May 17, 2000 (the
23 effective date of Public Act 91-704) ~~this amendatory Act of the~~
24 ~~91st General Assembly~~, but in no event later than June 30,
25 2000, the State Comptroller shall direct and the State
26 Treasurer shall transfer the sum of \$70,000,000 from the

1 General Revenue Fund to the Long-Term Care Provider Fund.

2 (f-1) In fiscal year 2002, in addition to any other
3 transfers that may be provided for by law, at the direction of
4 and upon notification from the Governor, the State Comptroller
5 shall direct and the State Treasurer shall transfer amounts not
6 exceeding a total of \$160,000,000 from the General Revenue Fund
7 to the Long-Term Care Provider Fund.

8 (g) In addition to any other transfers that may be provided
9 for by law, on July 1, 2001, or as soon thereafter as may be
10 practical, the State Comptroller shall direct and the State
11 Treasurer shall transfer the sum of \$1,200,000 from the General
12 Revenue Fund to the Violence Prevention Fund.

13 (h) In each of fiscal years 2002 through 2004, but not
14 thereafter, in addition to any other transfers that may be
15 provided for by law, the State Comptroller shall direct and the
16 State Treasurer shall transfer \$5,000,000 from the General
17 Revenue Fund to the Tourism Promotion Fund.

18 (i) On or after July 1, 2001 and until May 1, 2002, in
19 addition to any other transfers that may be provided for by
20 law, at the direction of and upon notification from the
21 Governor, the State Comptroller shall direct and the State
22 Treasurer shall transfer amounts not exceeding a total of
23 \$80,000,000 from the General Revenue Fund to the Tobacco
24 Settlement Recovery Fund. Any amounts so transferred shall be
25 re-transferred by the State Comptroller and the State Treasurer
26 from the Tobacco Settlement Recovery Fund to the General

1 Revenue Fund at the direction of and upon notification from the
2 Governor, but in any event on or before June 30, 2002.

3 (i-1) On or after July 1, 2002 and until May 1, 2003, in
4 addition to any other transfers that may be provided for by
5 law, at the direction of and upon notification from the
6 Governor, the State Comptroller shall direct and the State
7 Treasurer shall transfer amounts not exceeding a total of
8 \$80,000,000 from the General Revenue Fund to the Tobacco
9 Settlement Recovery Fund. Any amounts so transferred shall be
10 re-transferred by the State Comptroller and the State Treasurer
11 from the Tobacco Settlement Recovery Fund to the General
12 Revenue Fund at the direction of and upon notification from the
13 Governor, but in any event on or before June 30, 2003.

14 (j) On or after July 1, 2001 and no later than June 30,
15 2002, in addition to any other transfers that may be provided
16 for by law, at the direction of and upon notification from the
17 Governor, the State Comptroller shall direct and the State
18 Treasurer shall transfer amounts not to exceed the following
19 sums into the Statistical Services Revolving Fund:

20	From the General Revenue Fund	\$8,450,000
21	From the Public Utility Fund	1,700,000
22	From the Transportation Regulatory Fund	2,650,000
23	From the Title III Social Security and	
24	Employment Fund	3,700,000
25	From the Professions Indirect Cost Fund	4,050,000
26	From the Underground Storage Tank Fund	550,000

1	From the Agricultural Premium Fund	750,000
2	From the State Pensions Fund	200,000
3	From the Road Fund	2,000,000
4	From the <u>Illinois</u> Health Facilities	
5	Planning Fund	1,000,000
6	From the Savings and Residential Finance	
7	Regulatory Fund	130,800
8	From the Appraisal Administration Fund	28,600
9	From the Pawnbroker Regulation Fund	3,600
10	From the Auction Regulation	
11	Administration Fund	35,800
12	From the Bank and Trust Company Fund.....	634,800
13	From the Real Estate License	
14	Administration Fund	313,600

15 (k) In addition to any other transfers that may be provided
16 for by law, as soon as may be practical after December 20, 2001
17 (the effective date of Public Act 92-505) ~~this amendatory Act~~
18 ~~of the 92nd General Assembly~~, the State Comptroller shall
19 direct and the State Treasurer shall transfer the sum of
20 \$2,000,000 from the General Revenue Fund to the Teachers Health
21 Insurance Security Fund.

22 (k-1) In addition to any other transfers that may be
23 provided for by law, on July 1, 2002, or as soon as may be
24 practical thereafter, the State Comptroller shall direct and
25 the State Treasurer shall transfer the sum of \$2,000,000 from
26 the General Revenue Fund to the Teachers Health Insurance

1 Security Fund.

2 (k-2) In addition to any other transfers that may be
 3 provided for by law, on July 1, 2003, or as soon as may be
 4 practical thereafter, the State Comptroller shall direct and
 5 the State Treasurer shall transfer the sum of \$2,000,000 from
 6 the General Revenue Fund to the Teachers Health Insurance
 7 Security Fund.

8 (k-3) On or after July 1, 2002 and no later than June 30,
 9 2003, in addition to any other transfers that may be provided
 10 for by law, at the direction of and upon notification from the
 11 Governor, the State Comptroller shall direct and the State
 12 Treasurer shall transfer amounts not to exceed the following
 13 sums into the Statistical Services Revolving Fund:

14	Appraisal Administration Fund	\$150,000
15	General Revenue Fund	10,440,000
16	Savings and Residential Finance	
17	Regulatory Fund	200,000
18	State Pensions Fund	100,000
19	Bank and Trust Company Fund	100,000
20	Professions Indirect Cost Fund	3,400,000
21	Public Utility Fund	2,081,200
22	Real Estate License Administration Fund	150,000
23	Title III Social Security and	
24	Employment Fund	1,000,000
25	Transportation Regulatory Fund	3,052,100
26	Underground Storage Tank Fund	50,000

1 (1) In addition to any other transfers that may be provided
2 for by law, on July 1, 2002, or as soon as may be practical
3 thereafter, the State Comptroller shall direct and the State
4 Treasurer shall transfer the sum of \$3,000,000 from the General
5 Revenue Fund to the Presidential Library and Museum Operating
6 Fund.

7 (m) In addition to any other transfers that may be provided
8 for by law, on July 1, 2002 and on January 8, 2004 (the
9 effective date of Public Act 93-648) ~~this amendatory Act of the~~
10 ~~93rd General Assembly~~, or as soon thereafter as may be
11 practical, the State Comptroller shall direct and the State
12 Treasurer shall transfer the sum of \$1,200,000 from the General
13 Revenue Fund to the Violence Prevention Fund.

14 (n) In addition to any other transfers that may be provided
15 for by law, on July 1, 2003, or as soon thereafter as may be
16 practical, the State Comptroller shall direct and the State
17 Treasurer shall transfer the sum of \$6,800,000 from the General
18 Revenue Fund to the DHS Recoveries Trust Fund.

19 (o) On or after July 1, 2003, and no later than June 30,
20 2004, in addition to any other transfers that may be provided
21 for by law, at the direction of and upon notification from the
22 Governor, the State Comptroller shall direct and the State
23 Treasurer shall transfer amounts not to exceed the following
24 sums into the Vehicle Inspection Fund:

25 From the Underground Storage Tank Fund \$35,000,000.

26 (p) On or after July 1, 2003 and until May 1, 2004, in

1 addition to any other transfers that may be provided for by
2 law, at the direction of and upon notification from the
3 Governor, the State Comptroller shall direct and the State
4 Treasurer shall transfer amounts not exceeding a total of
5 \$80,000,000 from the General Revenue Fund to the Tobacco
6 Settlement Recovery Fund. Any amounts so transferred shall be
7 re-transferred from the Tobacco Settlement Recovery Fund to the
8 General Revenue Fund at the direction of and upon notification
9 from the Governor, but in any event on or before June 30, 2004.

10 (q) In addition to any other transfers that may be provided
11 for by law, on July 1, 2003, or as soon as may be practical
12 thereafter, the State Comptroller shall direct and the State
13 Treasurer shall transfer the sum of \$5,000,000 from the General
14 Revenue Fund to the Illinois Military Family Relief Fund.

15 (r) In addition to any other transfers that may be provided
16 for by law, on July 1, 2003, or as soon as may be practical
17 thereafter, the State Comptroller shall direct and the State
18 Treasurer shall transfer the sum of \$1,922,000 from the General
19 Revenue Fund to the Presidential Library and Museum Operating
20 Fund.

21 (s) In addition to any other transfers that may be provided
22 for by law, on or after July 1, 2003, the State Comptroller
23 shall direct and the State Treasurer shall transfer the sum of
24 \$4,800,000 from the Statewide Economic Development Fund to the
25 General Revenue Fund.

26 (t) In addition to any other transfers that may be provided

1 for by law, on or after July 1, 2003, the State Comptroller
2 shall direct and the State Treasurer shall transfer the sum of
3 \$50,000,000 from the General Revenue Fund to the Budget
4 Stabilization Fund.

5 (u) On or after July 1, 2004 and until May 1, 2005, in
6 addition to any other transfers that may be provided for by
7 law, at the direction of and upon notification from the
8 Governor, the State Comptroller shall direct and the State
9 Treasurer shall transfer amounts not exceeding a total of
10 \$80,000,000 from the General Revenue Fund to the Tobacco
11 Settlement Recovery Fund. Any amounts so transferred shall be
12 retransferred by the State Comptroller and the State Treasurer
13 from the Tobacco Settlement Recovery Fund to the General
14 Revenue Fund at the direction of and upon notification from the
15 Governor, but in any event on or before June 30, 2005.

16 (v) In addition to any other transfers that may be provided
17 for by law, on July 1, 2004, or as soon thereafter as may be
18 practical, the State Comptroller shall direct and the State
19 Treasurer shall transfer the sum of \$1,200,000 from the General
20 Revenue Fund to the Violence Prevention Fund.

21 (w) In addition to any other transfers that may be provided
22 for by law, on July 1, 2004, or as soon thereafter as may be
23 practical, the State Comptroller shall direct and the State
24 Treasurer shall transfer the sum of \$6,445,000 from the General
25 Revenue Fund to the Presidential Library and Museum Operating
26 Fund.

1 (x) In addition to any other transfers that may be provided
2 for by law, on January 15, 2005, or as soon thereafter as may
3 be practical, the State Comptroller shall direct and the State
4 Treasurer shall transfer to the General Revenue Fund the
5 following sums:

6 From the State Crime Laboratory Fund, \$200,000;

7 From the State Police Wireless Service Emergency Fund,
8 \$200,000;

9 From the State Offender DNA Identification System
10 Fund, \$800,000; and

11 From the State Police Whistleblower Reward and
12 Protection Fund, \$500,000.

13 (y) Notwithstanding any other provision of law to the
14 contrary, in addition to any other transfers that may be
15 provided for by law on June 30, 2005, or as soon as may be
16 practical thereafter, the State Comptroller shall direct and
17 the State Treasurer shall transfer the remaining balance from
18 the designated funds into the General Revenue Fund and any
19 future deposits that would otherwise be made into these funds
20 must instead be made into the General Revenue Fund:

21 (1) the Keep Illinois Beautiful Fund;

22 (2) the Metropolitan Fair and Exposition Authority
23 Reconstruction Fund;

24 (3) the New Technology Recovery Fund;

25 (4) the Illinois Rural Bond Bank Trust Fund;

26 (5) the ISBE School Bus Driver Permit Fund;

- 1 (6) the Solid Waste Management Revolving Loan Fund;
- 2 (7) the State Postsecondary Review Program Fund;
- 3 (8) the Tourism Attraction Development Matching Grant
- 4 Fund;
- 5 (9) the Patent and Copyright Fund;
- 6 (10) the Credit Enhancement Development Fund;
- 7 (11) the Community Mental Health and Developmental
- 8 Disabilities Services Provider Participation Fee Trust
- 9 Fund;
- 10 (12) the Nursing Home Grant Assistance Fund;
- 11 (13) the By-product Material Safety Fund;
- 12 (14) the Illinois Student Assistance Commission Higher
- 13 EdNet Fund;
- 14 (15) the DORS State Project Fund;
- 15 (16) the School Technology Revolving Fund;
- 16 (17) the Energy Assistance Contribution Fund;
- 17 (18) the Illinois Building Commission Revolving Fund;
- 18 (19) the Illinois Aquaculture Development Fund;
- 19 (20) the Homelessness Prevention Fund;
- 20 (21) the DCFS Refugee Assistance Fund;
- 21 (22) the Illinois Century Network Special Purposes
- 22 Fund; and
- 23 (23) the Build Illinois Purposes Fund.
- 24 (z) In addition to any other transfers that may be provided
- 25 for by law, on July 1, 2005, or as soon as may be practical
- 26 thereafter, the State Comptroller shall direct and the State

1 Treasurer shall transfer the sum of \$1,200,000 from the General
2 Revenue Fund to the Violence Prevention Fund.

3 (aa) In addition to any other transfers that may be
4 provided for by law, on July 1, 2005, or as soon as may be
5 practical thereafter, the State Comptroller shall direct and
6 the State Treasurer shall transfer the sum of \$9,000,000 from
7 the General Revenue Fund to the Presidential Library and Museum
8 Operating Fund.

9 (bb) In addition to any other transfers that may be
10 provided for by law, on July 1, 2005, or as soon as may be
11 practical thereafter, the State Comptroller shall direct and
12 the State Treasurer shall transfer the sum of \$6,803,600 from
13 the General Revenue Fund to the Securities Audit and
14 Enforcement Fund.

15 (cc) In addition to any other transfers that may be
16 provided for by law, on or after July 1, 2005 and until May 1,
17 2006, at the direction of and upon notification from the
18 Governor, the State Comptroller shall direct and the State
19 Treasurer shall transfer amounts not exceeding a total of
20 \$80,000,000 from the General Revenue Fund to the Tobacco
21 Settlement Recovery Fund. Any amounts so transferred shall be
22 re-transferred by the State Comptroller and the State Treasurer
23 from the Tobacco Settlement Recovery Fund to the General
24 Revenue Fund at the direction of and upon notification from the
25 Governor, but in any event on or before June 30, 2006.

26 (dd) In addition to any other transfers that may be

1 provided for by law, on April 1, 2005, or as soon thereafter as
2 may be practical, at the direction of the Director of Public
3 Aid (now Director of Healthcare and Family Services), the State
4 Comptroller shall direct and the State Treasurer shall transfer
5 from the Public Aid Recoveries Trust Fund amounts not to exceed
6 \$14,000,000 to the Community Mental Health Medicaid Trust Fund.

7 (ee) Notwithstanding any other provision of law, on July 1,
8 2006, or as soon thereafter as practical, the State Comptroller
9 shall direct and the State Treasurer shall transfer the
10 remaining balance from the Illinois Civic Center Bond Fund to
11 the Illinois Civic Center Bond Retirement and Interest Fund.

12 (ff) In addition to any other transfers that may be
13 provided for by law, on and after July 1, 2006 and until June
14 30, 2007, at the direction of and upon notification from the
15 Director of the Governor's Office of Management and Budget, the
16 State Comptroller shall direct and the State Treasurer shall
17 transfer amounts not exceeding a total of \$1,900,000 from the
18 General Revenue Fund to the Illinois Capital Revolving Loan
19 Fund.

20 (gg) In addition to any other transfers that may be
21 provided for by law, on and after July 1, 2006 and until May 1,
22 2007, at the direction of and upon notification from the
23 Governor, the State Comptroller shall direct and the State
24 Treasurer shall transfer amounts not exceeding a total of
25 \$80,000,000 from the General Revenue Fund to the Tobacco
26 Settlement Recovery Fund. Any amounts so transferred shall be

1 retransferred by the State Comptroller and the State Treasurer
 2 from the Tobacco Settlement Recovery Fund to the General
 3 Revenue Fund at the direction of and upon notification from the
 4 Governor, but in any event on or before June 30, 2007.

5 (hh) In addition to any other transfers that may be
 6 provided for by law, on and after July 1, 2006 and until June
 7 30, 2007, at the direction of and upon notification from the
 8 Governor, the State Comptroller shall direct and the State
 9 Treasurer shall transfer amounts from the Illinois Affordable
 10 Housing Trust Fund to the designated funds not exceeding the
 11 following amounts:

12	DCFS Children's Services Fund	\$2,200,000
13	Department of Corrections Reimbursement	
14	and Education Fund	\$1,500,000
15	Supplemental Low-Income Energy	
16	Assistance Fund.....	\$75,000

17 (ii) In addition to any other transfers that may be
 18 provided for by law, on or before August 31, 2006, the Governor
 19 and the State Comptroller may agree to transfer the surplus
 20 cash balance from the General Revenue Fund to the Budget
 21 Stabilization Fund and the Pension Stabilization Fund in equal
 22 proportions. The determination of the amount of the surplus
 23 cash balance shall be made by the Governor, with the
 24 concurrence of the State Comptroller, after taking into account
 25 the June 30, 2006 balances in the general funds and the actual
 26 or estimated spending from the general funds during the lapse

1 period. Notwithstanding the foregoing, the maximum amount that
2 may be transferred under this subsection (ii) is \$50,000,000.

3 (jj) In addition to any other transfers that may be
4 provided for by law, on July 1, 2006, or as soon thereafter as
5 practical, the State Comptroller shall direct and the State
6 Treasurer shall transfer the sum of \$8,250,000 from the General
7 Revenue Fund to the Presidential Library and Museum Operating
8 Fund.

9 (kk) In addition to any other transfers that may be
10 provided for by law, on July 1, 2006, or as soon thereafter as
11 practical, the State Comptroller shall direct and the State
12 Treasurer shall transfer the sum of \$1,400,000 from the General
13 Revenue Fund to the Violence Prevention Fund.

14 (ll) In addition to any other transfers that may be
15 provided for by law, on the first day of each calendar quarter
16 of the fiscal year beginning July 1, 2006, or as soon
17 thereafter as practical, the State Comptroller shall direct and
18 the State Treasurer shall transfer from the General Revenue
19 Fund amounts equal to one-fourth of \$20,000,000 to the
20 Renewable Energy Resources Trust Fund.

21 (mm) In addition to any other transfers that may be
22 provided for by law, on July 1, 2006, or as soon thereafter as
23 practical, the State Comptroller shall direct and the State
24 Treasurer shall transfer the sum of \$1,320,000 from the General
25 Revenue Fund to the I-FLY Fund.

26 (nn) In addition to any other transfers that may be

1 provided for by law, on July 1, 2006, or as soon thereafter as
2 practical, the State Comptroller shall direct and the State
3 Treasurer shall transfer the sum of \$3,000,000 from the General
4 Revenue Fund to the African-American HIV/AIDS Response Fund.

5 (oo) In addition to any other transfers that may be
6 provided for by law, on and after July 1, 2006 and until June
7 30, 2007, at the direction of and upon notification from the
8 Governor, the State Comptroller shall direct and the State
9 Treasurer shall transfer amounts identified as net receipts
10 from the sale of all or part of the Illinois Student Assistance
11 Commission loan portfolio from the Student Loan Operating Fund
12 to the General Revenue Fund. The maximum amount that may be
13 transferred pursuant to this Section is \$38,800,000. In
14 addition, no transfer may be made pursuant to this Section that
15 would have the effect of reducing the available balance in the
16 Student Loan Operating Fund to an amount less than the amount
17 remaining unexpended and unreserved from the total
18 appropriations from the Fund estimated to be expended for the
19 fiscal year. The State Treasurer and Comptroller shall transfer
20 the amounts designated under this Section as soon as may be
21 practical after receiving the direction to transfer from the
22 Governor.

23 (pp) In addition to any other transfers that may be
24 provided for by law, on July 1, 2006, or as soon thereafter as
25 practical, the State Comptroller shall direct and the State
26 Treasurer shall transfer the sum of \$2,000,000 from the General

1 Revenue Fund to the Illinois Veterans Assistance Fund.

2 (qq) In addition to any other transfers that may be
3 provided for by law, on and after July 1, 2007 and until May 1,
4 2008, at the direction of and upon notification from the
5 Governor, the State Comptroller shall direct and the State
6 Treasurer shall transfer amounts not exceeding a total of
7 \$80,000,000 from the General Revenue Fund to the Tobacco
8 Settlement Recovery Fund. Any amounts so transferred shall be
9 retransferred by the State Comptroller and the State Treasurer
10 from the Tobacco Settlement Recovery Fund to the General
11 Revenue Fund at the direction of and upon notification from the
12 Governor, but in any event on or before June 30, 2008.

13 (rr) In addition to any other transfers that may be
14 provided for by law, on and after July 1, 2007 and until June
15 30, 2008, at the direction of and upon notification from the
16 Governor, the State Comptroller shall direct and the State
17 Treasurer shall transfer amounts from the Illinois Affordable
18 Housing Trust Fund to the designated funds not exceeding the
19 following amounts:

- 20 DCFS Children's Services Fund \$2,200,000
- 21 Department of Corrections Reimbursement
- 22 and Education Fund \$1,500,000
- 23 Supplemental Low-Income Energy
- 24 Assistance Fund \$75,000

25 (ss) In addition to any other transfers that may be
26 provided for by law, on July 1, 2007, or as soon thereafter as

1 practical, the State Comptroller shall direct and the State
2 Treasurer shall transfer the sum of \$8,250,000 from the General
3 Revenue Fund to the Presidential Library and Museum Operating
4 Fund.

5 (tt) In addition to any other transfers that may be
6 provided for by law, on July 1, 2007, or as soon thereafter as
7 practical, the State Comptroller shall direct and the State
8 Treasurer shall transfer the sum of \$1,400,000 from the General
9 Revenue Fund to the Violence Prevention Fund.

10 (uu) In addition to any other transfers that may be
11 provided for by law, on July 1, 2007, or as soon thereafter as
12 practical, the State Comptroller shall direct and the State
13 Treasurer shall transfer the sum of \$1,320,000 from the General
14 Revenue Fund to the I-FLY Fund.

15 (vv) In addition to any other transfers that may be
16 provided for by law, on July 1, 2007, or as soon thereafter as
17 practical, the State Comptroller shall direct and the State
18 Treasurer shall transfer the sum of \$3,000,000 from the General
19 Revenue Fund to the African-American HIV/AIDS Response Fund.

20 (ww) In addition to any other transfers that may be
21 provided for by law, on July 1, 2007, or as soon thereafter as
22 practical, the State Comptroller shall direct and the State
23 Treasurer shall transfer the sum of \$3,500,000 from the General
24 Revenue Fund to the Predatory Lending Database Program Fund.

25 (xx) In addition to any other transfers that may be
26 provided for by law, on July 1, 2007, or as soon thereafter as

1 practical, the State Comptroller shall direct and the State
2 Treasurer shall transfer the sum of \$5,000,000 from the General
3 Revenue Fund to the Digital Divide Elimination Fund.

4 (yy) In addition to any other transfers that may be
5 provided for by law, on July 1, 2007, or as soon thereafter as
6 practical, the State Comptroller shall direct and the State
7 Treasurer shall transfer the sum of \$4,000,000 from the General
8 Revenue Fund to the Digital Divide Elimination Infrastructure
9 Fund.

10 (zz) In addition to any other transfers that may be
11 provided for by law, on July 1, 2008, or as soon thereafter as
12 practical, the State Comptroller shall direct and the State
13 Treasurer shall transfer the sum of \$5,000,000 from the General
14 Revenue Fund to the Digital Divide Elimination Fund.

15 (aaa) In addition to any other transfers that may be
16 provided for by law, on and after July 1, 2008 and until May 1,
17 2009, at the direction of and upon notification from the
18 Governor, the State Comptroller shall direct and the State
19 Treasurer shall transfer amounts not exceeding a total of
20 \$80,000,000 from the General Revenue Fund to the Tobacco
21 Settlement Recovery Fund. Any amounts so transferred shall be
22 retransferred by the State Comptroller and the State Treasurer
23 from the Tobacco Settlement Recovery Fund to the General
24 Revenue Fund at the direction of and upon notification from the
25 Governor, but in any event on or before June 30, 2009.

26 (bbb) In addition to any other transfers that may be

1 provided for by law, on and after July 1, 2008 and until June
 2 30, 2009, at the direction of and upon notification from the
 3 Governor, the State Comptroller shall direct and the State
 4 Treasurer shall transfer amounts from the Illinois Affordable
 5 Housing Trust Fund to the designated funds not exceeding the
 6 following amounts:

- 7 DCFS Children's Services Fund \$2,200,000
- 8 Department of Corrections Reimbursement
- 9 and Education Fund \$1,500,000
- 10 Supplemental Low-Income Energy
- 11 Assistance Fund..... \$75,000

12 (ccc) In addition to any other transfers that may be
 13 provided for by law, on July 1, 2008, or as soon thereafter as
 14 practical, the State Comptroller shall direct and the State
 15 Treasurer shall transfer the sum of \$7,450,000 from the General
 16 Revenue Fund to the Presidential Library and Museum Operating
 17 Fund.

18 (ddd) In addition to any other transfers that may be
 19 provided for by law, on July 1, 2008, or as soon thereafter as
 20 practical, the State Comptroller shall direct and the State
 21 Treasurer shall transfer the sum of \$1,400,000 from the General
 22 Revenue Fund to the Violence Prevention Fund.

23 (eee) In addition to any other transfers that may be
 24 provided for by law, on July 1, 2009, or as soon thereafter as
 25 practical, the State Comptroller shall direct and the State
 26 Treasurer shall transfer the sum of \$5,000,000 from the General

1 Revenue Fund to the Digital Divide Elimination Fund.

2 (fff) In addition to any other transfers that may be
3 provided for by law, on and after July 1, 2009 and until May 1,
4 2010, at the direction of and upon notification from the
5 Governor, the State Comptroller shall direct and the State
6 Treasurer shall transfer amounts not exceeding a total of
7 \$80,000,000 from the General Revenue Fund to the Tobacco
8 Settlement Recovery Fund. Any amounts so transferred shall be
9 retransferred by the State Comptroller and the State Treasurer
10 from the Tobacco Settlement Recovery Fund to the General
11 Revenue Fund at the direction of and upon notification from the
12 Governor, but in any event on or before June 30, 2010.

13 (ggg) In addition to any other transfers that may be
14 provided for by law, on July 1, 2009, or as soon thereafter as
15 practical, the State Comptroller shall direct and the State
16 Treasurer shall transfer the sum of \$7,450,000 from the General
17 Revenue Fund to the Presidential Library and Museum Operating
18 Fund.

19 (hhh) In addition to any other transfers that may be
20 provided for by law, on July 1, 2009, or as soon thereafter as
21 practical, the State Comptroller shall direct and the State
22 Treasurer shall transfer the sum of \$1,400,000 from the General
23 Revenue Fund to the Violence Prevention Fund.

24 (iii) In addition to any other transfers that may be
25 provided for by law, on July 1, 2009, or as soon thereafter as
26 practical, the State Comptroller shall direct and the State

1 Treasurer shall transfer the sum of \$100,000 from the General
2 Revenue Fund to the Heartsaver AED Fund.

3 (jjj) In addition to any other transfers that may be
4 provided for by law, on and after July 1, 2009 and until June
5 30, 2010, at the direction of and upon notification from the
6 Governor, the State Comptroller shall direct and the State
7 Treasurer shall transfer amounts not exceeding a total of
8 \$17,000,000 from the General Revenue Fund to the DCFS
9 Children's Services Fund.

10 (lll) In addition to any other transfers that may be
11 provided for by law, on July 1, 2009, or as soon thereafter as
12 practical, the State Comptroller shall direct and the State
13 Treasurer shall transfer the sum of \$5,000,000 from the General
14 Revenue Fund to the Communications Revolving Fund.

15 (mmm) In addition to any other transfers that may be
16 provided for by law, on July 1, 2009, or as soon thereafter as
17 practical, the State Comptroller shall direct and the State
18 Treasurer shall transfer the sum of \$9,700,000 from the General
19 Revenue Fund to the Senior Citizens Real Estate Deferred Tax
20 Revolving Fund.

21 (nnn) In addition to any other transfers that may be
22 provided for by law, on July 1, 2009, or as soon thereafter as
23 practical, the State Comptroller shall direct and the State
24 Treasurer shall transfer the sum of \$565,000 from the FY09
25 Budget Relief Fund to the Horse Racing Fund.

26 (ooo) In addition to any other transfers that may be

1 provided by law, on July 1, 2009, or as soon thereafter as
2 practical, the State Comptroller shall direct and the State
3 Treasurer shall transfer the sum of \$600,000 from the General
4 Revenue Fund to the Temporary Relocation Expenses Revolving
5 Fund.

6 (ppp) In addition to any other transfers that may be
7 provided for by law, on July 1, 2010, or as soon thereafter as
8 practical, the State Comptroller shall direct and the State
9 Treasurer shall transfer the sum of \$5,000,000 from the General
10 Revenue Fund to the Digital Divide Elimination Fund.

11 (qqq) In addition to any other transfers that may be
12 provided for by law, on and after July 1, 2010 and until May 1,
13 2011, at the direction of and upon notification from the
14 Governor, the State Comptroller shall direct and the State
15 Treasurer shall transfer amounts not exceeding a total of
16 \$80,000,000 from the General Revenue Fund to the Tobacco
17 Settlement Recovery Fund. Any amounts so transferred shall be
18 retransferred by the State Comptroller and the State Treasurer
19 from the Tobacco Settlement Recovery Fund to the General
20 Revenue Fund at the direction of and upon notification from the
21 Governor, but in any event on or before June 30, 2011.

22 (rrr) In addition to any other transfers that may be
23 provided for by law, on July 1, 2010, or as soon thereafter as
24 practical, the State Comptroller shall direct and the State
25 Treasurer shall transfer the sum of \$6,675,000 from the General
26 Revenue Fund to the Presidential Library and Museum Operating

1 Fund.

2 (sss) In addition to any other transfers that may be
3 provided for by law, on July 1, 2010, or as soon thereafter as
4 practical, the State Comptroller shall direct and the State
5 Treasurer shall transfer the sum of \$1,400,000 from the General
6 Revenue Fund to the Violence Prevention Fund.

7 (ttt) In addition to any other transfers that may be
8 provided for by law, on July 1, 2010, or as soon thereafter as
9 practical, the State Comptroller shall direct and the State
10 Treasurer shall transfer the sum of \$100,000 from the General
11 Revenue Fund to the Heartsaver AED Fund.

12 (uuu) In addition to any other transfers that may be
13 provided for by law, on July 1, 2010, or as soon thereafter as
14 practical, the State Comptroller shall direct and the State
15 Treasurer shall transfer the sum of \$5,000,000 from the General
16 Revenue Fund to the Communications Revolving Fund.

17 (vvv) In addition to any other transfers that may be
18 provided for by law, on July 1, 2010, or as soon thereafter as
19 practical, the State Comptroller shall direct and the State
20 Treasurer shall transfer the sum of \$3,000,000 from the General
21 Revenue Fund to the Illinois Capital Revolving Loan Fund.

22 (www) In addition to any other transfers that may be
23 provided for by law, on July 1, 2010, or as soon thereafter as
24 practical, the State Comptroller shall direct and the State
25 Treasurer shall transfer the sum of \$17,000,000 from the
26 General Revenue Fund to the DCFS Children's Services Fund.

1 (xxx) In addition to any other transfers that may be
2 provided for by law, on July 1, 2010, or as soon thereafter as
3 practical, the State Comptroller shall direct and the State
4 Treasurer shall transfer the sum of \$2,000,000 from the Digital
5 Divide Elimination Infrastructure Fund, of which \$1,000,000
6 shall go to the Workforce, Technology, and Economic Development
7 Fund and \$1,000,000 to the Public Utility Fund.

8 (yyy) In addition to any other transfers that may be
9 provided for by law, on and after July 1, 2011 and until May 1,
10 2012, at the direction of and upon notification from the
11 Governor, the State Comptroller shall direct and the State
12 Treasurer shall transfer amounts not exceeding a total of
13 \$80,000,000 from the General Revenue Fund to the Tobacco
14 Settlement Recovery Fund. Any amounts so transferred shall be
15 retransferred by the State Comptroller and the State Treasurer
16 from the Tobacco Settlement Recovery Fund to the General
17 Revenue Fund at the direction of and upon notification from the
18 Governor, but in any event on or before June 30, 2012.

19 (zzz) In addition to any other transfers that may be
20 provided for by law, on July 1, 2011, or as soon thereafter as
21 practical, the State Comptroller shall direct and the State
22 Treasurer shall transfer the sum of \$1,000,000 from the General
23 Revenue Fund to the Illinois Veterans Assistance Fund.

24 (aaaa) In addition to any other transfers that may be
25 provided for by law, on July 1, 2011, or as soon thereafter as
26 practical, the State Comptroller shall direct and the State

1 Treasurer shall transfer the sum of \$8,000,000 from the General
2 Revenue Fund to the Presidential Library and Museum Operating
3 Fund.

4 (bbbb) In addition to any other transfers that may be
5 provided for by law, on July 1, 2011, or as soon thereafter as
6 practical, the State Comptroller shall direct and the State
7 Treasurer shall transfer the sum of \$1,400,000 from the General
8 Revenue Fund to the Violence Prevention Fund.

9 (cccc) In addition to any other transfers that may be
10 provided for by law, on July 1, 2011, or as soon thereafter as
11 practical, the State Comptroller shall direct and the State
12 Treasurer shall transfer the sum of \$14,100,000 from the
13 General Revenue Fund to the State Garage Revolving Fund.

14 (dddd) In addition to any other transfers that may be
15 provided for by law, on July 1, 2011, or as soon thereafter as
16 practical, the State Comptroller shall direct and the State
17 Treasurer shall transfer the sum of \$4,000,000 from the General
18 Revenue Fund to the Digital Divide Elimination Fund.

19 (eeee) In addition to any other transfers that may be
20 provided for by law, on July 1, 2011, or as soon thereafter as
21 practical, the State Comptroller shall direct and the State
22 Treasurer shall transfer the sum of \$500,000 from the General
23 Revenue Fund to the Senior Citizens Real Estate Deferred Tax
24 Revolving Fund.

25 (Source: P.A. 96-45, eff. 7-15-09; 96-820, eff. 11-18-09;
26 96-959, eff. 7-1-10; 97-72, eff. 7-1-11; 97-641, eff. 12-19-11;

1 revised 9-8-16.)

2 Section 200. The Natural Heritage Fund Act is amended by
3 changing Section 5 as follows:

4 (30 ILCS 150/5) (from Ch. 105, par. 735)

5 Sec. 5. Interest proceeds ~~Proceeds~~. The Governor shall
6 request and the General Assembly may annually appropriate from
7 the Natural Heritage Fund an amount not to exceed ~~to~~ the annual
8 investment income earned by the Trust Fund to the Department
9 and any portion of the investment income earned in preceding
10 years that was not transferred for the purposes set forth in
11 Section 4. Upon the Director's request, the Comptroller and the
12 State Treasurer shall transfer amounts not to exceed the actual
13 investment income earned from the Trust Fund to the Natural
14 Heritage Fund from time to time as needed for expenditures from
15 the Natural Heritage Fund in accordance with appropriations.

16 (Source: P.A. 87-1197; revised 9-7-16.)

17 Section 205. The Illinois Procurement Code is amended by
18 changing Sections 40-30 and 45-67 as follows:

19 (30 ILCS 500/40-30)

20 Sec. 40-30. Purchase option. Initial leases of all space in
21 entire, free-standing buildings shall include an option to
22 purchase exercisable ~~exercisable~~ by the State, unless the

1 purchasing officer determines that inclusion of such purchase
2 option is not in the State's best interest and makes that
3 determination in writing along with the reasons for making that
4 determination and publishes the written determination in the
5 appropriate volume of the Illinois Procurement Bulletin.
6 Leases from governmental units and not-for-profit entities are
7 exempt from the requirements of this Section.

8 (Source: P.A. 90-572, eff. date - See Sec. 99-5; revised
9 9-9-16.)

10 (30 ILCS 500/45-67)

11 Sec. 45-67. Encouragement to hire qualified veterans. A
12 chief procurement officer may, as part of any solicitation,
13 encourage potential contractors to consider hiring qualified
14 veterans and to notify them of any available financial
15 incentives or other advantages associated with hiring such
16 persons. In establishing internal guidelines in furtherance of
17 this Section, the Department of Central Management Services may
18 work with an interagency advisory committee consisting of
19 representatives from the Department of Veterans' ~~Veterans~~
20 Affairs, the Department of Employment Security, the Department
21 of Commerce and Economic Opportunity, and the Department of
22 Revenue and consisting of 8 members of the General Assembly, 2
23 of whom are appointed by the Speaker of the House of
24 Representatives, 2 of whom are appointed by the President of
25 the Senate, 2 of whom are appointed by the Minority Leader of

1 the House of Representatives, and 2 of whom are appointed by
2 the Minority Leader of the Senate.

3 For the purposes of this Section, "qualified veteran" means
4 an Illinois resident who: (i) was a member of the Armed Forces
5 of the United States, a member of the Illinois National Guard,
6 or a member of any reserve component of the Armed Forces of the
7 United States; (ii) served on active duty in connection with
8 Operation Desert Storm, Operation Enduring Freedom, or
9 Operation Iraqi Freedom; and (iii) was honorably discharged.

10 The Department of Central Management Services must report
11 to the Governor and to the General Assembly by December 31 of
12 each year on the activities undertaken by chief procurement
13 officers and the Department of Central Management Services to
14 encourage potential contractors to consider hiring qualified
15 veterans. The report must include the number of vendors who
16 have hired qualified veterans.

17 (Source: P.A. 98-1076, eff. 1-1-15; revised 9-9-16.)

18 Section 210. The Grant Accountability and Transparency Act
19 is amended by changing Section 75 as follows:

20 (30 ILCS 708/75)

21 (Section scheduled to be repealed on July 16, 2020)

22 Sec. 75. State program exceptions.

23 (a) With the exception of the audit requirements set forth
24 in 2 CFR 200.102, exceptions may be allowed for classes of

1 State or federal pass-through awards or non-federal entities
2 subject to the requirements of this Act when such exceptions
3 are not prohibited by State or federal law. However, in the
4 interest of maximum uniformity, exceptions from the
5 requirements of this Act shall be permitted only in unusual or
6 exceptional circumstances.

7 (b) The Governor's Office of Management and Budget, with
8 the advice and technical assistance of the Illinois Single
9 Audit Commission, shall adopt rules governing the criteria that
10 shall be used to determine when an exception may be issued. The
11 Governor's Office of Management and Budget shall publish any
12 allowed exceptions in the Catalog ~~Catalogue~~ of State Financial
13 Assistance within 30 days of the exception being allowed.

14 (Source: P.A. 98-706, eff. 7-16-14; revised 9-9-16.)

15 Section 215. The State Mandates Act is amended by changing
16 Sections 7 and 8.40 as follows:

17 (30 ILCS 805/7) (from Ch. 85, par. 2207)

18 Sec. 7. Review of existing mandates.

19 (a) Beginning with the 2019 catalog and every other year
20 thereafter, concurrently with, or within 3 months subsequent to
21 the publication of a catalog of State mandates as prescribed in
22 subsection (b) of Section 4, the Department shall submit to the
23 Governor and the General Assembly a review and report on
24 mandates enacted in the previous 2 years and remaining in

1 effect at the time of submittal of the report. The Department
2 may fulfill its responsibilities for compiling the report by
3 entering into a contract for service.

4 Beginning with the 2017 catalog and every 10 years
5 thereafter, concurrently with, or within 3 months subsequent to
6 the publication of a catalog of State mandates as prescribed in
7 subsection (b) of Section 4, the Department shall submit to the
8 Governor and the General Assembly a review and report on all
9 effective mandates at the time of submittal of the reports.

10 (b) The report shall include for each mandate the factual
11 information specified in subsection (b) of Section 4 for the
12 catalog. The report may also include the following: (1) extent
13 to which the enactment of the mandate was requested, supported,
14 encouraged or opposed by local governments or their respective
15 organization; (2) whether the mandate continues to meet a
16 Statewide policy objective or has achieved the initial policy
17 intent in whole or in part; (3) amendments if any are required
18 to make the mandate more effective; (4) whether the mandate
19 should be retained or rescinded; (5) whether State financial
20 participation in helping meet the identifiable increased local
21 costs arising from the mandate should be initiated, and if so,
22 recommended ratios and phasing-in schedules; ~~and~~ (6) any other
23 information or recommendations which the Department considers
24 pertinent; and (7) any comments about the mandate submitted by
25 affected units of government.

26 (c) The appropriate committee of each house of the General

1 Assembly shall review the report and shall initiate such
2 legislation or other action as it deems necessary.

3 The requirement for reporting to the General Assembly shall
4 be satisfied by filing copies of the report with the Speaker,
5 the Minority Leader and the Clerk of the House of
6 Representatives and the President, the Minority Leader, the
7 Secretary of the Senate, the members of the committees required
8 to review the report under subsection (c) and the Legislative
9 Research Unit, as required by Section 3.1 of the General
10 Assembly Organization Act ~~"An Act to revise the law in relation~~
11 ~~to the General Assembly", approved February 25, 1874, as~~
12 ~~amended~~, and filing such additional copies with the State
13 Government Report Distribution Center for the General Assembly
14 as is required under paragraph (t) of Section 7 of the State
15 Library Act.

16 (Source: P.A. 99-789, eff. 8-12-16; revised 10-25-16.)

17 (30 ILCS 805/8.40)

18 Sec. 8.40. Exempt mandate.

19 (a) Notwithstanding Sections 6 and 8 of this Act, no
20 reimbursement by the State is required for the implementation
21 of any mandate created by Public Act 99-683, 99-745, or 99-905
22 ~~this amendatory Act of the 99th General Assembly.~~

23 (b) Notwithstanding Sections 6 and 8 of this Act, no
24 reimbursement by the State is required for the implementation
25 of any mandate created by Section 40 of the State Police Act

1 and Section 10.19 of the Illinois Police Training Act.

2 (Source: P.A. 99-683, eff. 7-29-16; 99-711, eff. 1-1-17;
3 99-745, eff. 8-5-16; 99-905, eff. 11-29-16; revised 12-7-16.)

4 Section 220. The Illinois Income Tax Act is amended by
5 changing Sections 304, 507GG, and 709.5 as follows:

6 (35 ILCS 5/304) (from Ch. 120, par. 3-304)

7 Sec. 304. Business income of persons other than residents.

8 (a) In general. The business income of a person other than
9 a resident shall be allocated to this State if such person's
10 business income is derived solely from this State. If a person
11 other than a resident derives business income from this State
12 and one or more other states, then, for tax years ending on or
13 before December 30, 1998, and except as otherwise provided by
14 this Section, such person's business income shall be
15 apportioned to this State by multiplying the income by a
16 fraction, the numerator of which is the sum of the property
17 factor (if any), the payroll factor (if any) and 200% of the
18 sales factor (if any), and the denominator of which is 4
19 reduced by the number of factors other than the sales factor
20 which have a denominator of zero and by an additional 2 if the
21 sales factor has a denominator of zero. For tax years ending on
22 or after December 31, 1998, and except as otherwise provided by
23 this Section, persons other than residents who derive business
24 income from this State and one or more other states shall

1 compute their apportionment factor by weighting their
2 property, payroll, and sales factors as provided in subsection
3 (h) of this Section.

4 (1) Property factor.

5 (A) The property factor is a fraction, the numerator of
6 which is the average value of the person's real and
7 tangible personal property owned or rented and used in the
8 trade or business in this State during the taxable year and
9 the denominator of which is the average value of all the
10 person's real and tangible personal property owned or
11 rented and used in the trade or business during the taxable
12 year.

13 (B) Property owned by the person is valued at its
14 original cost. Property rented by the person is valued at 8
15 times the net annual rental rate. Net annual rental rate is
16 the annual rental rate paid by the person less any annual
17 rental rate received by the person from sub-rentals.

18 (C) The average value of property shall be determined
19 by averaging the values at the beginning and ending of the
20 taxable year but the Director may require the averaging of
21 monthly values during the taxable year if reasonably
22 required to reflect properly the average value of the
23 person's property.

24 (2) Payroll factor.

25 (A) The payroll factor is a fraction, the numerator of
26 which is the total amount paid in this State during the

1 taxable year by the person for compensation, and the
2 denominator of which is the total compensation paid
3 everywhere during the taxable year.

4 (B) Compensation is paid in this State if:

5 (i) The individual's service is performed entirely
6 within this State;

7 (ii) The individual's service is performed both
8 within and without this State, but the service
9 performed without this State is incidental to the
10 individual's service performed within this State; or

11 (iii) Some of the service is performed within this
12 State and either the base of operations, or if there is
13 no base of operations, the place from which the service
14 is directed or controlled is within this State, or the
15 base of operations or the place from which the service
16 is directed or controlled is not in any state in which
17 some part of the service is performed, but the
18 individual's residence is in this State.

19 (iv) Compensation paid to nonresident professional
20 athletes.

21 (a) General. The Illinois source income of a
22 nonresident individual who is a member of a
23 professional athletic team includes the portion of the
24 individual's total compensation for services performed
25 as a member of a professional athletic team during the
26 taxable year which the number of duty days spent within

1 this State performing services for the team in any
2 manner during the taxable year bears to the total
3 number of duty days spent both within and without this
4 State during the taxable year.

5 (b) Travel days. Travel days that do not involve
6 either a game, practice, team meeting, or other similar
7 team event are not considered duty days spent in this
8 State. However, such travel days are considered in the
9 total duty days spent both within and without this
10 State.

11 (c) Definitions. For purposes of this subpart
12 (iv):

13 (1) The term "professional athletic team"
14 includes, but is not limited to, any professional
15 baseball, basketball, football, soccer, or hockey
16 team.

17 (2) The term "member of a professional
18 athletic team" includes those employees who are
19 active players, players on the disabled list, and
20 any other persons required to travel and who travel
21 with and perform services on behalf of a
22 professional athletic team on a regular basis.
23 This includes, but is not limited to, coaches,
24 managers, and trainers.

25 (3) Except as provided in items (C) and (D) of
26 this subpart (3), the term "duty days" means all

1 days during the taxable year from the beginning of
2 the professional athletic team's official
3 pre-season training period through the last game
4 in which the team competes or is scheduled to
5 compete. Duty days shall be counted for the year in
6 which they occur, including where a team's
7 official pre-season training period through the
8 last game in which the team competes or is
9 scheduled to compete, occurs during more than one
10 tax year.

11 (A) Duty days shall also include days on
12 which a member of a professional athletic team
13 performs service for a team on a date that does
14 not fall within the foregoing period (e.g.,
15 participation in instructional leagues, the
16 "All Star Game", or promotional "caravans").
17 Performing a service for a professional
18 athletic team includes conducting training and
19 rehabilitation activities, when such
20 activities are conducted at team facilities.

21 (B) Also included in duty days are game
22 days, practice days, days spent at team
23 meetings, promotional caravans, preseason
24 training camps, and days served with the team
25 through all post-season games in which the team
26 competes or is scheduled to compete.

1 (C) Duty days for any person who joins a
2 team during the period from the beginning of
3 the professional athletic team's official
4 pre-season training period through the last
5 game in which the team competes, or is
6 scheduled to compete, shall begin on the day
7 that person joins the team. Conversely, duty
8 days for any person who leaves a team during
9 this period shall end on the day that person
10 leaves the team. Where a person switches teams
11 during a taxable year, a separate duty-day
12 calculation shall be made for the period the
13 person was with each team.

14 (D) Days for which a member of a
15 professional athletic team is not compensated
16 and is not performing services for the team in
17 any manner, including days when such member of
18 a professional athletic team has been
19 suspended without pay and prohibited from
20 performing any services for the team, shall not
21 be treated as duty days.

22 (E) Days for which a member of a
23 professional athletic team is on the disabled
24 list and does not conduct rehabilitation
25 activities at facilities of the team, and is
26 not otherwise performing services for the team

1 in Illinois, shall not be considered duty days
2 spent in this State. All days on the disabled
3 list, however, are considered to be included in
4 total duty days spent both within and without
5 this State.

6 (4) The term "total compensation for services
7 performed as a member of a professional athletic
8 team" means the total compensation received during
9 the taxable year for services performed:

10 (A) from the beginning of the official
11 pre-season training period through the last
12 game in which the team competes or is scheduled
13 to compete during that taxable year; and

14 (B) during the taxable year on a date which
15 does not fall within the foregoing period
16 (e.g., participation in instructional leagues,
17 the "All Star Game", or promotional caravans).

18 This compensation shall include, but is not
19 limited to, salaries, wages, bonuses as described
20 in this subpart, and any other type of compensation
21 paid during the taxable year to a member of a
22 professional athletic team for services performed
23 in that year. This compensation does not include
24 strike benefits, severance pay, termination pay,
25 contract or option year buy-out payments,
26 expansion or relocation payments, or any other

1 payments not related to services performed for the
2 team.

3 For purposes of this subparagraph, "bonuses"
4 included in "total compensation for services
5 performed as a member of a professional athletic
6 team" subject to the allocation described in
7 Section 302(c)(1) are: bonuses earned as a result
8 of play (i.e., performance bonuses) during the
9 season, including bonuses paid for championship,
10 playoff or "bowl" games played by a team, or for
11 selection to all-star league or other honorary
12 positions; and bonuses paid for signing a
13 contract, unless the payment of the signing bonus
14 is not conditional upon the signee playing any
15 games for the team or performing any subsequent
16 services for the team or even making the team, the
17 signing bonus is payable separately from the
18 salary and any other compensation, and the signing
19 bonus is nonrefundable.

20 (3) Sales factor.

21 (A) The sales factor is a fraction, the numerator of
22 which is the total sales of the person in this State during
23 the taxable year, and the denominator of which is the total
24 sales of the person everywhere during the taxable year.

25 (B) Sales of tangible personal property are in this
26 State if:

1 (i) The property is delivered or shipped to a
2 purchaser, other than the United States government,
3 within this State regardless of the f. o. b. point or
4 other conditions of the sale; or

5 (ii) The property is shipped from an office, store,
6 warehouse, factory or other place of storage in this
7 State and either the purchaser is the United States
8 government or the person is not taxable in the state of
9 the purchaser; provided, however, that premises owned
10 or leased by a person who has independently contracted
11 with the seller for the printing of newspapers,
12 periodicals or books shall not be deemed to be an
13 office, store, warehouse, factory or other place of
14 storage for purposes of this Section. Sales of tangible
15 personal property are not in this State if the seller
16 and purchaser would be members of the same unitary
17 business group but for the fact that either the seller
18 or purchaser is a person with 80% or more of total
19 business activity outside of the United States and the
20 property is purchased for resale.

21 (B-1) Patents, copyrights, trademarks, and similar
22 items of intangible personal property.

23 (i) Gross receipts from the licensing, sale, or
24 other disposition of a patent, copyright, trademark,
25 or similar item of intangible personal property, other
26 than gross receipts governed by paragraph (B-7) of this

1 item (3), are in this State to the extent the item is
2 utilized in this State during the year the gross
3 receipts are included in gross income.

4 (ii) Place of utilization.

5 (I) A patent is utilized in a state to the
6 extent that it is employed in production,
7 fabrication, manufacturing, or other processing in
8 the state or to the extent that a patented product
9 is produced in the state. If a patent is utilized
10 in more than one state, the extent to which it is
11 utilized in any one state shall be a fraction equal
12 to the gross receipts of the licensee or purchaser
13 from sales or leases of items produced,
14 fabricated, manufactured, or processed within that
15 state using the patent and of patented items
16 produced within that state, divided by the total of
17 such gross receipts for all states in which the
18 patent is utilized.

19 (II) A copyright is utilized in a state to the
20 extent that printing or other publication
21 originates in the state. If a copyright is utilized
22 in more than one state, the extent to which it is
23 utilized in any one state shall be a fraction equal
24 to the gross receipts from sales or licenses of
25 materials printed or published in that state
26 divided by the total of such gross receipts for all

1 states in which the copyright is utilized.

2 (III) Trademarks and other items of intangible
3 personal property governed by this paragraph (B-1)
4 are utilized in the state in which the commercial
5 domicile of the licensee or purchaser is located.

6 (iii) If the state of utilization of an item of
7 property governed by this paragraph (B-1) cannot be
8 determined from the taxpayer's books and records or
9 from the books and records of any person related to the
10 taxpayer within the meaning of Section 267(b) of the
11 Internal Revenue Code, 26 U.S.C. 267, the gross
12 receipts attributable to that item shall be excluded
13 from both the numerator and the denominator of the
14 sales factor.

15 (B-2) Gross receipts from the license, sale, or other
16 disposition of patents, copyrights, trademarks, and
17 similar items of intangible personal property, other than
18 gross receipts governed by paragraph (B-7) of this item
19 (3), may be included in the numerator or denominator of the
20 sales factor only if gross receipts from licenses, sales,
21 or other disposition of such items comprise more than 50%
22 of the taxpayer's total gross receipts included in gross
23 income during the tax year and during each of the 2
24 immediately preceding tax years; provided that, when a
25 taxpayer is a member of a unitary business group, such
26 determination shall be made on the basis of the gross

1 receipts of the entire unitary business group.

2 (B-5) For taxable years ending on or after December 31,
3 2008, except as provided in subsections (ii) through (vii),
4 receipts from the sale of telecommunications service or
5 mobile telecommunications service are in this State if the
6 customer's service address is in this State.

7 (i) For purposes of this subparagraph (B-5), the
8 following terms have the following meanings:

9 "Ancillary services" means services that are
10 associated with or incidental to the provision of
11 "telecommunications services", including but not
12 limited to "detailed telecommunications billing",
13 "directory assistance", "vertical service", and "voice
14 mail services".

15 "Air-to-Ground Radiotelephone service" means a
16 radio service, as that term is defined in 47 CFR 22.99,
17 in which common carriers are authorized to offer and
18 provide radio telecommunications service for hire to
19 subscribers in aircraft.

20 "Call-by-call Basis" means any method of charging
21 for telecommunications services where the price is
22 measured by individual calls.

23 "Communications Channel" means a physical or
24 virtual path of communications over which signals are
25 transmitted between or among customer channel
26 termination points.

1 "Conference bridging service" means an "ancillary
2 service" that links two or more participants of an
3 audio or video conference call and may include the
4 provision of a telephone number. "Conference bridging
5 service" does not include the "telecommunications
6 services" used to reach the conference bridge.

7 "Customer Channel Termination Point" means the
8 location where the customer either inputs or receives
9 the communications.

10 "Detailed telecommunications billing service"
11 means an "ancillary service" of separately stating
12 information pertaining to individual calls on a
13 customer's billing statement.

14 "Directory assistance" means an "ancillary
15 service" of providing telephone number information,
16 and/or address information.

17 "Home service provider" means the facilities based
18 carrier or reseller with which the customer contracts
19 for the provision of mobile telecommunications
20 services.

21 "Mobile telecommunications service" means
22 commercial mobile radio service, as defined in Section
23 20.3 of Title 47 of the Code of Federal Regulations as
24 in effect on June 1, 1999.

25 "Place of primary use" means the street address
26 representative of where the customer's use of the

1 telecommunications service primarily occurs, which
2 must be the residential street address or the primary
3 business street address of the customer. In the case of
4 mobile telecommunications services, "place of primary
5 use" must be within the licensed service area of the
6 home service provider.

7 "Post-paid telecommunication service" means the
8 telecommunications service obtained by making a
9 payment on a call-by-call basis either through the use
10 of a credit card or payment mechanism such as a bank
11 card, travel card, credit card, or debit card, or by
12 charge made to a telephone number which is not
13 associated with the origination or termination of the
14 telecommunications service. A post-paid calling
15 service includes telecommunications service, except a
16 prepaid wireless calling service, that would be a
17 prepaid calling service except it is not exclusively a
18 telecommunication service.

19 "Prepaid telecommunication service" means the
20 right to access exclusively telecommunications
21 services, which must be paid for in advance and which
22 enables the origination of calls using an access number
23 or authorization code, whether manually or
24 electronically dialed, and that is sold in
25 predetermined units or dollars of which the number
26 declines with use in a known amount.

1 "Prepaid Mobile telecommunication service" means a
2 telecommunications service that provides the right to
3 utilize mobile wireless service as well as other
4 non-telecommunication services, including but not
5 limited to ancillary services, which must be paid for
6 in advance that is sold in predetermined units or
7 dollars of which the number declines with use in a
8 known amount.

9 "Private communication service" means a
10 telecommunication service that entitles the customer
11 to exclusive or priority use of a communications
12 channel or group of channels between or among
13 termination points, regardless of the manner in which
14 such channel or channels are connected, and includes
15 switching capacity, extension lines, stations, and any
16 other associated services that are provided in
17 connection with the use of such channel or channels.

18 "Service address" means:

19 (a) The location of the telecommunications
20 equipment to which a customer's call is charged and
21 from which the call originates or terminates,
22 regardless of where the call is billed or paid;

23 (b) If the location in line (a) is not known,
24 service address means the origination point of the
25 signal of the telecommunications services first
26 identified by either the seller's

1 telecommunications system or in information
2 received by the seller from its service provider
3 where the system used to transport such signals is
4 not that of the seller; and

5 (c) If the locations in line (a) and line (b)
6 are not known, the service address means the
7 location of the customer's place of primary use.

8 "Telecommunications service" means the electronic
9 transmission, conveyance, or routing of voice, data,
10 audio, video, or any other information or signals to a
11 point, or between or among points. The term
12 "telecommunications service" includes such
13 transmission, conveyance, or routing in which computer
14 processing applications are used to act on the form,
15 code or protocol of the content for purposes of
16 transmission, conveyance or routing without regard to
17 whether such service is referred to as voice over
18 Internet protocol services or is classified by the
19 Federal Communications Commission as enhanced or value
20 added. "Telecommunications service" does not include:

21 (a) Data processing and information services
22 that allow data to be generated, acquired, stored,
23 processed, or retrieved and delivered by an
24 electronic transmission to a purchaser when such
25 purchaser's primary purpose for the underlying
26 transaction is the processed data or information;

1 (b) Installation or maintenance of wiring or
2 equipment on a customer's premises;

3 (c) Tangible personal property;

4 (d) Advertising, including but not limited to
5 directory advertising; ~~;~~

6 (e) Billing and collection services provided
7 to third parties;

8 (f) Internet access service;

9 (g) Radio and television audio and video
10 programming services, regardless of the medium,
11 including the furnishing of transmission,
12 conveyance and routing of such services by the
13 programming service provider. Radio and television
14 audio and video programming services shall include
15 but not be limited to cable service as defined in
16 47 USC 522(6) and audio and video programming
17 services delivered by commercial mobile radio
18 service providers, as defined in 47 CFR 20.3;

19 (h) "Ancillary services"; or

20 (i) Digital products "delivered
21 electronically", including but not limited to
22 software, music, video, reading materials or ring
23 tones.

24 "Vertical service" means an "ancillary service"
25 that is offered in connection with one or more
26 "telecommunications services", which offers advanced

1 calling features that allow customers to identify
2 callers and to manage multiple calls and call
3 connections, including "conference bridging services".

4 "Voice mail service" means an "ancillary service"
5 that enables the customer to store, send or receive
6 recorded messages. "Voice mail service" does not
7 include any "vertical services" that the customer may
8 be required to have in order to utilize the "voice mail
9 service".

10 (ii) Receipts from the sale of telecommunications
11 service sold on an individual call-by-call basis are in
12 this State if either of the following applies:

13 (a) The call both originates and terminates in
14 this State.

15 (b) The call either originates or terminates
16 in this State and the service address is located in
17 this State.

18 (iii) Receipts from the sale of postpaid
19 telecommunications service at retail are in this State
20 if the origination point of the telecommunication
21 signal, as first identified by the service provider's
22 telecommunication system or as identified by
23 information received by the seller from its service
24 provider if the system used to transport
25 telecommunication signals is not the seller's, is
26 located in this State.

1 (iv) Receipts from the sale of prepaid
2 telecommunications service or prepaid mobile
3 telecommunications service at retail are in this State
4 if the purchaser obtains the prepaid card or similar
5 means of conveyance at a location in this State.
6 Receipts from recharging a prepaid telecommunications
7 service or mobile telecommunications service is in
8 this State if the purchaser's billing information
9 indicates a location in this State.

10 (v) Receipts from the sale of private
11 communication services are in this State as follows:

12 (a) 100% of receipts from charges imposed at
13 each channel termination point in this State.

14 (b) 100% of receipts from charges for the total
15 channel mileage between each channel termination
16 point in this State.

17 (c) 50% of the total receipts from charges for
18 service segments when those segments are between 2
19 customer channel termination points, 1 of which is
20 located in this State and the other is located
21 outside of this State, which segments are
22 separately charged.

23 (d) The receipts from charges for service
24 segments with a channel termination point located
25 in this State and in two or more other states, and
26 which segments are not separately billed, are in

1 this State based on a percentage determined by
2 dividing the number of customer channel
3 termination points in this State by the total
4 number of customer channel termination points.

5 (vi) Receipts from charges for ancillary services
6 for telecommunications service sold to customers at
7 retail are in this State if the customer's primary
8 place of use of telecommunications services associated
9 with those ancillary services is in this State. If the
10 seller of those ancillary services cannot determine
11 where the associated telecommunications are located,
12 then the ancillary services shall be based on the
13 location of the purchaser.

14 (vii) Receipts to access a carrier's network or
15 from the sale of telecommunication services or
16 ancillary services for resale are in this State as
17 follows:

18 (a) 100% of the receipts from access fees
19 attributable to intrastate telecommunications
20 service that both originates and terminates in
21 this State.

22 (b) 50% of the receipts from access fees
23 attributable to interstate telecommunications
24 service if the interstate call either originates
25 or terminates in this State.

26 (c) 100% of the receipts from interstate end

1 user access line charges, if the customer's
2 service address is in this State. As used in this
3 subdivision, "interstate end user access line
4 charges" includes, but is not limited to, the
5 surcharge approved by the federal communications
6 commission and levied pursuant to 47 CFR 69.

7 (d) Gross receipts from sales of
8 telecommunication services or from ancillary
9 services for telecommunications services sold to
10 other telecommunication service providers for
11 resale shall be sourced to this State using the
12 apportionment concepts used for non-resale
13 receipts of telecommunications services if the
14 information is readily available to make that
15 determination. If the information is not readily
16 available, then the taxpayer may use any other
17 reasonable and consistent method.

18 (B-7) For taxable years ending on or after December 31,
19 2008, receipts from the sale of broadcasting services are
20 in this State if the broadcasting services are received in
21 this State. For purposes of this paragraph (B-7), the
22 following terms have the following meanings:

23 "Advertising revenue" means consideration received
24 by the taxpayer in exchange for broadcasting services
25 or allowing the broadcasting of commercials or
26 announcements in connection with the broadcasting of

1 film or radio programming, from sponsorships of the
2 programming, or from product placements in the
3 programming.

4 "Audience factor" means the ratio that the
5 audience or subscribers located in this State of a
6 station, a network, or a cable system bears to the
7 total audience or total subscribers for that station,
8 network, or cable system. The audience factor for film
9 or radio programming shall be determined by reference
10 to the books and records of the taxpayer or by
11 reference to published rating statistics provided the
12 method used by the taxpayer is consistently used from
13 year to year for this purpose and fairly represents the
14 taxpayer's activity in this State.

15 "Broadcast" or "broadcasting" or "broadcasting
16 services" means the transmission or provision of film
17 or radio programming, whether through the public
18 airwaves, by cable, by direct or indirect satellite
19 transmission, or by any other means of communication,
20 either through a station, a network, or a cable system.

21 "Film" or "film programming" means the broadcast
22 on television of any and all performances, events, or
23 productions, including but not limited to news,
24 sporting events, plays, stories, or other literary,
25 commercial, educational, or artistic works, either
26 live or through the use of video tape, disc, or any

1 other type of format or medium. Each episode of a
2 series of films produced for television shall
3 constitute separate "film" notwithstanding that the
4 series relates to the same principal subject and is
5 produced during one or more tax periods.

6 "Radio" or "radio programming" means the broadcast
7 on radio of any and all performances, events, or
8 productions, including but not limited to news,
9 sporting events, plays, stories, or other literary,
10 commercial, educational, or artistic works, either
11 live or through the use of an audio tape, disc, or any
12 other format or medium. Each episode in a series of
13 radio programming produced for radio broadcast shall
14 constitute a separate "radio programming"
15 notwithstanding that the series relates to the same
16 principal subject and is produced during one or more
17 tax periods.

18 (i) In the case of advertising revenue from
19 broadcasting, the customer is the advertiser and
20 the service is received in this State if the
21 commercial domicile of the advertiser is in this
22 State.

23 (ii) In the case where film or radio
24 programming is broadcast by a station, a network,
25 or a cable system for a fee or other remuneration
26 received from the recipient of the broadcast, the

1 portion of the service that is received in this
2 State is measured by the portion of the recipients
3 of the broadcast located in this State.
4 Accordingly, the fee or other remuneration for
5 such service that is included in the Illinois
6 numerator of the sales factor is the total of those
7 fees or other remuneration received from
8 recipients in Illinois. For purposes of this
9 paragraph, a taxpayer may determine the location
10 of the recipients of its broadcast using the
11 address of the recipient shown in its contracts
12 with the recipient or using the billing address of
13 the recipient in the taxpayer's records.

14 (iii) In the case where film or radio
15 programming is broadcast by a station, a network,
16 or a cable system for a fee or other remuneration
17 from the person providing the programming, the
18 portion of the broadcast service that is received
19 by such station, network, or cable system in this
20 State is measured by the portion of recipients of
21 the broadcast located in this State. Accordingly,
22 the amount of revenue related to such an
23 arrangement that is included in the Illinois
24 numerator of the sales factor is the total fee or
25 other total remuneration from the person providing
26 the programming related to that broadcast

1 multiplied by the Illinois audience factor for
2 that broadcast.

3 (iv) In the case where film or radio
4 programming is provided by a taxpayer that is a
5 network or station to a customer for broadcast in
6 exchange for a fee or other remuneration from that
7 customer the broadcasting service is received at
8 the location of the office of the customer from
9 which the services were ordered in the regular
10 course of the customer's trade or business.
11 Accordingly, in such a case the revenue derived by
12 the taxpayer that is included in the taxpayer's
13 Illinois numerator of the sales factor is the
14 revenue from such customers who receive the
15 broadcasting service in Illinois.

16 (v) In the case where film or radio programming
17 is provided by a taxpayer that is not a network or
18 station to another person for broadcasting in
19 exchange for a fee or other remuneration from that
20 person, the broadcasting service is received at
21 the location of the office of the customer from
22 which the services were ordered in the regular
23 course of the customer's trade or business.
24 Accordingly, in such a case the revenue derived by
25 the taxpayer that is included in the taxpayer's
26 Illinois numerator of the sales factor is the

1 revenue from such customers who receive the
2 broadcasting service in Illinois.

3 (B-8) Gross receipts from winnings under the Illinois
4 Lottery Law from the assignment of a prize under Section
5 13.1 of the Illinois Lottery Law are received in this
6 State. This paragraph (B-8) applies only to taxable years
7 ending on or after December 31, 2013.

8 (C) For taxable years ending before December 31, 2008,
9 sales, other than sales governed by paragraphs (B), (B-1),
10 (B-2), and (B-8) are in this State if:

11 (i) The income-producing activity is performed in
12 this State; or

13 (ii) The income-producing activity is performed
14 both within and without this State and a greater
15 proportion of the income-producing activity is
16 performed within this State than without this State,
17 based on performance costs.

18 (C-5) For taxable years ending on or after December 31,
19 2008, sales, other than sales governed by paragraphs (B),
20 (B-1), (B-2), (B-5), and (B-7), are in this State if any of
21 the following criteria are met:

22 (i) Sales from the sale or lease of real property
23 are in this State if the property is located in this
24 State.

25 (ii) Sales from the lease or rental of tangible
26 personal property are in this State if the property is

1 located in this State during the rental period. Sales
2 from the lease or rental of tangible personal property
3 that is characteristically moving property, including,
4 but not limited to, motor vehicles, rolling stock,
5 aircraft, vessels, or mobile equipment are in this
6 State to the extent that the property is used in this
7 State.

8 (iii) In the case of interest, net gains (but not
9 less than zero) and other items of income from
10 intangible personal property, the sale is in this State
11 if:

12 (a) in the case of a taxpayer who is a dealer
13 in the item of intangible personal property within
14 the meaning of Section 475 of the Internal Revenue
15 Code, the income or gain is received from a
16 customer in this State. For purposes of this
17 subparagraph, a customer is in this State if the
18 customer is an individual, trust or estate who is a
19 resident of this State and, for all other
20 customers, if the customer's commercial domicile
21 is in this State. Unless the dealer has actual
22 knowledge of the residence or commercial domicile
23 of a customer during a taxable year, the customer
24 shall be deemed to be a customer in this State if
25 the billing address of the customer, as shown in
26 the records of the dealer, is in this State; or

1 (b) in all other cases, if the
2 income-producing activity of the taxpayer is
3 performed in this State or, if the
4 income-producing activity of the taxpayer is
5 performed both within and without this State, if a
6 greater proportion of the income-producing
7 activity of the taxpayer is performed within this
8 State than in any other state, based on performance
9 costs.

10 (iv) Sales of services are in this State if the
11 services are received in this State. For the purposes
12 of this section, gross receipts from the performance of
13 services provided to a corporation, partnership, or
14 trust may only be attributed to a state where that
15 corporation, partnership, or trust has a fixed place of
16 business. If the state where the services are received
17 is not readily determinable or is a state where the
18 corporation, partnership, or trust receiving the
19 service does not have a fixed place of business, the
20 services shall be deemed to be received at the location
21 of the office of the customer from which the services
22 were ordered in the regular course of the customer's
23 trade or business. If the ordering office cannot be
24 determined, the services shall be deemed to be received
25 at the office of the customer to which the services are
26 billed. If the taxpayer is not taxable in the state in

1 which the services are received, the sale must be
2 excluded from both the numerator and the denominator of
3 the sales factor. The Department shall adopt rules
4 prescribing where specific types of service are
5 received, including, but not limited to, publishing,
6 and utility service.

7 (D) For taxable years ending on or after December 31,
8 1995, the following items of income shall not be included
9 in the numerator or denominator of the sales factor:
10 dividends; amounts included under Section 78 of the
11 Internal Revenue Code; and Subpart F income as defined in
12 Section 952 of the Internal Revenue Code. No inference
13 shall be drawn from the enactment of this paragraph (D) in
14 construing this Section for taxable years ending before
15 December 31, 1995.

16 (E) Paragraphs (B-1) and (B-2) shall apply to tax years
17 ending on or after December 31, 1999, provided that a
18 taxpayer may elect to apply the provisions of these
19 paragraphs to prior tax years. Such election shall be made
20 in the form and manner prescribed by the Department, shall
21 be irrevocable, and shall apply to all tax years; provided
22 that, if a taxpayer's Illinois income tax liability for any
23 tax year, as assessed under Section 903 prior to January 1,
24 1999, was computed in a manner contrary to the provisions
25 of paragraphs (B-1) or (B-2), no refund shall be payable to
26 the taxpayer for that tax year to the extent such refund is

1 the result of applying the provisions of paragraph (B-1) or
2 (B-2) retroactively. In the case of a unitary business
3 group, such election shall apply to all members of such
4 group for every tax year such group is in existence, but
5 shall not apply to any taxpayer for any period during which
6 that taxpayer is not a member of such group.

7 (b) Insurance companies.

8 (1) In general. Except as otherwise provided by
9 paragraph (2), business income of an insurance company for
10 a taxable year shall be apportioned to this State by
11 multiplying such income by a fraction, the numerator of
12 which is the direct premiums written for insurance upon
13 property or risk in this State, and the denominator of
14 which is the direct premiums written for insurance upon
15 property or risk everywhere. For purposes of this
16 subsection, the term "direct premiums written" means the
17 total amount of direct premiums written, assessments and
18 annuity considerations as reported for the taxable year on
19 the annual statement filed by the company with the Illinois
20 Director of Insurance in the form approved by the National
21 Convention of Insurance Commissioners or such other form as
22 may be prescribed in lieu thereof.

23 (2) Reinsurance. If the principal source of premiums
24 written by an insurance company consists of premiums for
25 reinsurance accepted by it, the business income of such
26 company shall be apportioned to this State by multiplying

1 such income by a fraction, the numerator of which is the
2 sum of (i) direct premiums written for insurance upon
3 property or risk in this State, plus (ii) premiums written
4 for reinsurance accepted in respect of property or risk in
5 this State, and the denominator of which is the sum of
6 (iii) direct premiums written for insurance upon property
7 or risk everywhere, plus (iv) premiums written for
8 reinsurance accepted in respect of property or risk
9 everywhere. For purposes of this paragraph, premiums
10 written for reinsurance accepted in respect of property or
11 risk in this State, whether or not otherwise determinable,
12 may, at the election of the company, be determined on the
13 basis of the proportion which premiums written for
14 reinsurance accepted from companies commercially domiciled
15 in Illinois bears to premiums written for reinsurance
16 accepted from all sources, or, alternatively, in the
17 proportion which the sum of the direct premiums written for
18 insurance upon property or risk in this State by each
19 ceding company from which reinsurance is accepted bears to
20 the sum of the total direct premiums written by each such
21 ceding company for the taxable year. The election made by a
22 company under this paragraph for its first taxable year
23 ending on or after December 31, 2011, shall be binding for
24 that company for that taxable year and for all subsequent
25 taxable years, and may be altered only with the written
26 permission of the Department, which shall not be

1 unreasonably withheld.

2 (c) Financial organizations.

3 (1) In general. For taxable years ending before
4 December 31, 2008, business income of a financial
5 organization shall be apportioned to this State by
6 multiplying such income by a fraction, the numerator of
7 which is its business income from sources within this
8 State, and the denominator of which is its business income
9 from all sources. For the purposes of this subsection, the
10 business income of a financial organization from sources
11 within this State is the sum of the amounts referred to in
12 subparagraphs (A) through (E) following, but excluding the
13 adjusted income of an international banking facility as
14 determined in paragraph (2):

15 (A) Fees, commissions or other compensation for
16 financial services rendered within this State;

17 (B) Gross profits from trading in stocks, bonds or
18 other securities managed within this State;

19 (C) Dividends, and interest from Illinois
20 customers, which are received within this State;

21 (D) Interest charged to customers at places of
22 business maintained within this State for carrying
23 debit balances of margin accounts, without deduction
24 of any costs incurred in carrying such accounts; and

25 (E) Any other gross income resulting from the
26 operation as a financial organization within this

1 State. In computing the amounts referred to in
2 paragraphs (A) through (E) of this subsection, any
3 amount received by a member of an affiliated group
4 (determined under Section 1504(a) of the Internal
5 Revenue Code but without reference to whether any such
6 corporation is an "includible corporation" under
7 Section 1504(b) of the Internal Revenue Code) from
8 another member of such group shall be included only to
9 the extent such amount exceeds expenses of the
10 recipient directly related thereto.

11 (2) International Banking Facility. For taxable years
12 ending before December 31, 2008:

13 (A) Adjusted Income. The adjusted income of an
14 international banking facility is its income reduced
15 by the amount of the floor amount.

16 (B) Floor Amount. The floor amount shall be the
17 amount, if any, determined by multiplying the income of
18 the international banking facility by a fraction, not
19 greater than one, which is determined as follows:

20 (i) The numerator shall be:

21 The average aggregate, determined on a
22 quarterly basis, of the financial organization's
23 loans to banks in foreign countries, to foreign
24 domiciled borrowers (except where secured
25 primarily by real estate) and to foreign
26 governments and other foreign official

1 institutions, as reported for its branches,
2 agencies and offices within the state on its
3 "Consolidated Report of Condition", Schedule A,
4 Lines 2.c., 5.b., and 7.a., which was filed with
5 the Federal Deposit Insurance Corporation and
6 other regulatory authorities, for the year 1980,
7 minus

8 The average aggregate, determined on a
9 quarterly basis, of such loans (other than loans of
10 an international banking facility), as reported by
11 the financial institution for its branches,
12 agencies and offices within the state, on the
13 corresponding Schedule and lines of the
14 Consolidated Report of Condition for the current
15 taxable year, provided, however, that in no case
16 shall the amount determined in this clause (the
17 subtrahend) exceed the amount determined in the
18 preceding clause (the minuend); and

19 (ii) the denominator shall be the average
20 aggregate, determined on a quarterly basis, of the
21 international banking facility's loans to banks in
22 foreign countries, to foreign domiciled borrowers
23 (except where secured primarily by real estate)
24 and to foreign governments and other foreign
25 official institutions, which were recorded in its
26 financial accounts for the current taxable year.

1 (C) Change to Consolidated Report of Condition and
2 in Qualification. In the event the Consolidated Report
3 of Condition which is filed with the Federal Deposit
4 Insurance Corporation and other regulatory authorities
5 is altered so that the information required for
6 determining the floor amount is not found on Schedule
7 A, lines 2.c., 5.b. and 7.a., the financial institution
8 shall notify the Department and the Department may, by
9 regulations or otherwise, prescribe or authorize the
10 use of an alternative source for such information. The
11 financial institution shall also notify the Department
12 should its international banking facility fail to
13 qualify as such, in whole or in part, or should there
14 be any amendment or change to the Consolidated Report
15 of Condition, as originally filed, to the extent such
16 amendment or change alters the information used in
17 determining the floor amount.

18 (3) For taxable years ending on or after December 31,
19 2008, the business income of a financial organization shall
20 be apportioned to this State by multiplying such income by
21 a fraction, the numerator of which is its gross receipts
22 from sources in this State or otherwise attributable to
23 this State's marketplace and the denominator of which is
24 its gross receipts everywhere during the taxable year.
25 "Gross receipts" for purposes of this subparagraph (3)
26 means gross income, including net taxable gain on

1 disposition of assets, including securities and money
2 market instruments, when derived from transactions and
3 activities in the regular course of the financial
4 organization's trade or business. The following examples
5 are illustrative:

6 (i) Receipts from the lease or rental of real or
7 tangible personal property are in this State if the
8 property is located in this State during the rental
9 period. Receipts from the lease or rental of tangible
10 personal property that is characteristically moving
11 property, including, but not limited to, motor
12 vehicles, rolling stock, aircraft, vessels, or mobile
13 equipment are from sources in this State to the extent
14 that the property is used in this State.

15 (ii) Interest income, commissions, fees, gains on
16 disposition, and other receipts from assets in the
17 nature of loans that are secured primarily by real
18 estate or tangible personal property are from sources
19 in this State if the security is located in this State.

20 (iii) Interest income, commissions, fees, gains on
21 disposition, and other receipts from consumer loans
22 that are not secured by real or tangible personal
23 property are from sources in this State if the debtor
24 is a resident of this State.

25 (iv) Interest income, commissions, fees, gains on
26 disposition, and other receipts from commercial loans

1 and installment obligations that are not secured by
2 real or tangible personal property are from sources in
3 this State if the proceeds of the loan are to be
4 applied in this State. If it cannot be determined where
5 the funds are to be applied, the income and receipts
6 are from sources in this State if the office of the
7 borrower from which the loan was negotiated in the
8 regular course of business is located in this State. If
9 the location of this office cannot be determined, the
10 income and receipts shall be excluded from the
11 numerator and denominator of the sales factor.

12 (v) Interest income, fees, gains on disposition,
13 service charges, merchant discount income, and other
14 receipts from credit card receivables are from sources
15 in this State if the card charges are regularly billed
16 to a customer in this State.

17 (vi) Receipts from the performance of services,
18 including, but not limited to, fiduciary, advisory,
19 and brokerage services, are in this State if the
20 services are received in this State within the meaning
21 of subparagraph (a) (3) (C-5) (iv) of this Section.

22 (vii) Receipts from the issuance of travelers
23 checks and money orders are from sources in this State
24 if the checks and money orders are issued from a
25 location within this State.

26 (viii) Receipts from investment assets and

1 activities and trading assets and activities are
2 included in the receipts factor as follows:

3 (1) Interest, dividends, net gains (but not
4 less than zero) and other income from investment
5 assets and activities from trading assets and
6 activities shall be included in the receipts
7 factor. Investment assets and activities and
8 trading assets and activities include but are not
9 limited to: investment securities; trading account
10 assets; federal funds; securities purchased and
11 sold under agreements to resell or repurchase;
12 options; futures contracts; forward contracts;
13 notional principal contracts such as swaps;
14 equities; and foreign currency transactions. With
15 respect to the investment and trading assets and
16 activities described in subparagraphs (A) and (B)
17 of this paragraph, the receipts factor shall
18 include the amounts described in such
19 subparagraphs.

20 (A) The receipts factor shall include the
21 amount by which interest from federal funds
22 sold and securities purchased under resale
23 agreements exceeds interest expense on federal
24 funds purchased and securities sold under
25 repurchase agreements.

26 (B) The receipts factor shall include the

1 amount by which interest, dividends, gains and
2 other income from trading assets and
3 activities, including but not limited to
4 assets and activities in the matched book, in
5 the arbitrage book, and foreign currency
6 transactions, exceed amounts paid in lieu of
7 interest, amounts paid in lieu of dividends,
8 and losses from such assets and activities.

9 (2) The numerator of the receipts factor
10 includes interest, dividends, net gains (but not
11 less than zero), and other income from investment
12 assets and activities and from trading assets and
13 activities described in paragraph (1) of this
14 subsection that are attributable to this State.

15 (A) The amount of interest, dividends, net
16 gains (but not less than zero), and other
17 income from investment assets and activities
18 in the investment account to be attributed to
19 this State and included in the numerator is
20 determined by multiplying all such income from
21 such assets and activities by a fraction, the
22 numerator of which is the gross income from
23 such assets and activities which are properly
24 assigned to a fixed place of business of the
25 taxpayer within this State and the denominator
26 of which is the gross income from all such

1 assets and activities.

2 (B) The amount of interest from federal
3 funds sold and purchased and from securities
4 purchased under resale agreements and
5 securities sold under repurchase agreements
6 attributable to this State and included in the
7 numerator is determined by multiplying the
8 amount described in subparagraph (A) of
9 paragraph (1) of this subsection from such
10 funds and such securities by a fraction, the
11 numerator of which is the gross income from
12 such funds and such securities which are
13 properly assigned to a fixed place of business
14 of the taxpayer within this State and the
15 denominator of which is the gross income from
16 all such funds and such securities.

17 (C) The amount of interest, dividends,
18 gains, and other income from trading assets and
19 activities, including but not limited to
20 assets and activities in the matched book, in
21 the arbitrage book and foreign currency
22 transactions (but excluding amounts described
23 in subparagraphs (A) or (B) of this paragraph),
24 attributable to this State and included in the
25 numerator is determined by multiplying the
26 amount described in subparagraph (B) of

1 paragraph (1) of this subsection by a fraction,
2 the numerator of which is the gross income from
3 such trading assets and activities which are
4 properly assigned to a fixed place of business
5 of the taxpayer within this State and the
6 denominator of which is the gross income from
7 all such assets and activities.

8 (D) Properly assigned, for purposes of
9 this paragraph (2) of this subsection, means
10 the investment or trading asset or activity is
11 assigned to the fixed place of business with
12 which it has a preponderance of substantive
13 contacts. An investment or trading asset or
14 activity assigned by the taxpayer to a fixed
15 place of business without the State shall be
16 presumed to have been properly assigned if:

17 (i) the taxpayer has assigned, in the
18 regular course of its business, such asset
19 or activity on its records to a fixed place
20 of business consistent with federal or
21 state regulatory requirements;

22 (ii) such assignment on its records is
23 based upon substantive contacts of the
24 asset or activity to such fixed place of
25 business; and

26 (iii) the taxpayer uses such records

1 reflecting assignment of such assets or
2 activities for the filing of all state and
3 local tax returns for which an assignment
4 of such assets or activities to a fixed
5 place of business is required.

6 (E) The presumption of proper assignment
7 of an investment or trading asset or activity
8 provided in subparagraph (D) of paragraph (2)
9 of this subsection may be rebutted upon a
10 showing by the Department, supported by a
11 preponderance of the evidence, that the
12 preponderance of substantive contacts
13 regarding such asset or activity did not occur
14 at the fixed place of business to which it was
15 assigned on the taxpayer's records. If the
16 fixed place of business that has a
17 preponderance of substantive contacts cannot
18 be determined for an investment or trading
19 asset or activity to which the presumption in
20 subparagraph (D) of paragraph (2) of this
21 subsection does not apply or with respect to
22 which that presumption has been rebutted, that
23 asset or activity is properly assigned to the
24 state in which the taxpayer's commercial
25 domicile is located. For purposes of this
26 subparagraph (E), it shall be presumed,

1 subject to rebuttal, that taxpayer's
2 commercial domicile is in the state of the
3 United States or the District of Columbia to
4 which the greatest number of employees are
5 regularly connected with the management of the
6 investment or trading income or out of which
7 they are working, irrespective of where the
8 services of such employees are performed, as of
9 the last day of the taxable year.

10 (4) (Blank).

11 (5) (Blank).

12 (c-1) Federally regulated exchanges. For taxable years
13 ending on or after December 31, 2012, business income of a
14 federally regulated exchange shall, at the option of the
15 federally regulated exchange, be apportioned to this State by
16 multiplying such income by a fraction, the numerator of which
17 is its business income from sources within this State, and the
18 denominator of which is its business income from all sources.
19 For purposes of this subsection, the business income within
20 this State of a federally regulated exchange is the sum of the
21 following:

22 (1) Receipts attributable to transactions executed on
23 a physical trading floor if that physical trading floor is
24 located in this State.

25 (2) Receipts attributable to all other matching,
26 execution, or clearing transactions, including without

1 limitation receipts from the provision of matching,
2 execution, or clearing services to another entity,
3 multiplied by (i) for taxable years ending on or after
4 December 31, 2012 but before December 31, 2013, 63.77%; and
5 (ii) for taxable years ending on or after December 31,
6 2013, 27.54%.

7 (3) All other receipts not governed by subparagraphs
8 (1) or (2) of this subsection (c-1), to the extent the
9 receipts would be characterized as "sales in this State"
10 under item (3) of subsection (a) of this Section.

11 "Federally regulated exchange" means (i) a "registered
12 entity" within the meaning of 7 U.S.C. Section 1a(40) (A), (B),
13 or (C), (ii) an "exchange" or "clearing agency" within the
14 meaning of 15 U.S.C. Section 78c (a) (1) or (23), (iii) any such
15 entities regulated under any successor regulatory structure to
16 the foregoing, and (iv) all taxpayers who are members of the
17 same unitary business group as a federally regulated exchange,
18 determined without regard to the prohibition in Section
19 1501(a) (27) of this Act against including in a unitary business
20 group taxpayers who are ordinarily required to apportion
21 business income under different subsections of this Section;
22 provided that this subparagraph (iv) shall apply only if 50% or
23 more of the business receipts of the unitary business group
24 determined by application of this subparagraph (iv) for the
25 taxable year are attributable to the matching, execution, or
26 clearing of transactions conducted by an entity described in

1 subparagraph (i), (ii), or (iii) of this paragraph.

2 In no event shall the Illinois apportionment percentage
3 computed in accordance with this subsection (c-1) for any
4 taxpayer for any tax year be less than the Illinois
5 apportionment percentage computed under this subsection (c-1)
6 for that taxpayer for the first full tax year ending on or
7 after December 31, 2013 for which this subsection (c-1) applied
8 to the taxpayer.

9 (d) Transportation services. For taxable years ending
10 before December 31, 2008, business income derived from
11 furnishing transportation services shall be apportioned to
12 this State in accordance with paragraphs (1) and (2):

13 (1) Such business income (other than that derived from
14 transportation by pipeline) shall be apportioned to this
15 State by multiplying such income by a fraction, the
16 numerator of which is the revenue miles of the person in
17 this State, and the denominator of which is the revenue
18 miles of the person everywhere. For purposes of this
19 paragraph, a revenue mile is the transportation of 1
20 passenger or 1 net ton of freight the distance of 1 mile
21 for a consideration. Where a person is engaged in the
22 transportation of both passengers and freight, the
23 fraction above referred to shall be determined by means of
24 an average of the passenger revenue mile fraction and the
25 freight revenue mile fraction, weighted to reflect the
26 person's

1 (A) relative railway operating income from total
2 passenger and total freight service, as reported to the
3 Interstate Commerce Commission, in the case of
4 transportation by railroad, and

5 (B) relative gross receipts from passenger and
6 freight transportation, in case of transportation
7 other than by railroad.

8 (2) Such business income derived from transportation
9 by pipeline shall be apportioned to this State by
10 multiplying such income by a fraction, the numerator of
11 which is the revenue miles of the person in this State, and
12 the denominator of which is the revenue miles of the person
13 everywhere. For the purposes of this paragraph, a revenue
14 mile is the transportation by pipeline of 1 barrel of oil,
15 1,000 cubic feet of gas, or of any specified quantity of
16 any other substance, the distance of 1 mile for a
17 consideration.

18 (3) For taxable years ending on or after December 31,
19 2008, business income derived from providing
20 transportation services other than airline services shall
21 be apportioned to this State by using a fraction, (a) the
22 numerator of which shall be (i) all receipts from any
23 movement or shipment of people, goods, mail, oil, gas, or
24 any other substance (other than by airline) that both
25 originates and terminates in this State, plus (ii) that
26 portion of the person's gross receipts from movements or

1 shipments of people, goods, mail, oil, gas, or any other
2 substance (other than by airline) that originates in one
3 state or jurisdiction and terminates in another state or
4 jurisdiction, that is determined by the ratio that the
5 miles traveled in this State bears to total miles
6 everywhere and (b) the denominator of which shall be all
7 revenue derived from the movement or shipment of people,
8 goods, mail, oil, gas, or any other substance (other than
9 by airline). Where a taxpayer is engaged in the
10 transportation of both passengers and freight, the
11 fraction above referred to shall first be determined
12 separately for passenger miles and freight miles. Then an
13 average of the passenger miles fraction and the freight
14 miles fraction shall be weighted to reflect the taxpayer's:

15 (A) relative railway operating income from total
16 passenger and total freight service, as reported to the
17 Surface Transportation Board, in the case of
18 transportation by railroad; and

19 (B) relative gross receipts from passenger and
20 freight transportation, in case of transportation
21 other than by railroad.

22 (4) For taxable years ending on or after December 31,
23 2008, business income derived from furnishing airline
24 transportation services shall be apportioned to this State
25 by multiplying such income by a fraction, the numerator of
26 which is the revenue miles of the person in this State, and

1 the denominator of which is the revenue miles of the person
2 everywhere. For purposes of this paragraph, a revenue mile
3 is the transportation of one passenger or one net ton of
4 freight the distance of one mile for a consideration. If a
5 person is engaged in the transportation of both passengers
6 and freight, the fraction above referred to shall be
7 determined by means of an average of the passenger revenue
8 mile fraction and the freight revenue mile fraction,
9 weighted to reflect the person's relative gross receipts
10 from passenger and freight airline transportation.

11 (e) Combined apportionment. Where 2 or more persons are
12 engaged in a unitary business as described in subsection
13 (a) (27) of Section 1501, a part of which is conducted in this
14 State by one or more members of the group, the business income
15 attributable to this State by any such member or members shall
16 be apportioned by means of the combined apportionment method.

17 (f) Alternative allocation. If the allocation and
18 apportionment provisions of subsections (a) through (e) and of
19 subsection (h) do not, for taxable years ending before December
20 31, 2008, fairly represent the extent of a person's business
21 activity in this State, or, for taxable years ending on or
22 after December 31, 2008, fairly represent the market for the
23 person's goods, services, or other sources of business income,
24 the person may petition for, or the Director may, without a
25 petition, permit or require, in respect of all or any part of
26 the person's business activity, if reasonable:

- 1 (1) Separate accounting;
- 2 (2) The exclusion of any one or more factors;
- 3 (3) The inclusion of one or more additional factors
4 which will fairly represent the person's business
5 activities or market in this State; or
- 6 (4) The employment of any other method to effectuate an
7 equitable allocation and apportionment of the person's
8 business income.

9 (g) Cross reference. For allocation of business income by
10 residents, see Section 301(a).

11 (h) For tax years ending on or after December 31, 1998, the
12 apportionment factor of persons who apportion their business
13 income to this State under subsection (a) shall be equal to:

14 (1) for tax years ending on or after December 31, 1998
15 and before December 31, 1999, $16 \frac{2}{3}\%$ of the property
16 factor plus $16 \frac{2}{3}\%$ of the payroll factor plus $66 \frac{2}{3}\%$ of
17 the sales factor;

18 (2) for tax years ending on or after December 31, 1999
19 and before December 31, 2000, $8 \frac{1}{3}\%$ of the property factor
20 plus $8 \frac{1}{3}\%$ of the payroll factor plus $83 \frac{1}{3}\%$ of the sales
21 factor;

22 (3) for tax years ending on or after December 31, 2000,
23 the sales factor.

24 If, in any tax year ending on or after December 31, 1998 and
25 before December 31, 2000, the denominator of the payroll,
26 property, or sales factor is zero, the apportionment factor

1 computed in paragraph (1) or (2) of this subsection for that
2 year shall be divided by an amount equal to 100% minus the
3 percentage weight given to each factor whose denominator is
4 equal to zero.

5 (Source: P.A. 98-478, eff. 1-1-14; 98-496, eff. 1-1-14; 98-756,
6 eff. 7-16-14; 99-642, eff. 7-28-16; revised 11-14-16.)

7 (35 ILCS 5/507GG)

8 Sec. 507GG. Diabetes Research Checkoff Fund checkoff. For
9 taxable years ending on or after December 31, 2005, the
10 Department must print on its standard individual income tax
11 form a provision indicating that if the taxpayer wishes to
12 contribute to the Diabetes Research Checkoff Fund, as
13 authorized by Public Act 94-107, he or she may do so by stating
14 the amount of the contribution (not less than \$1) on the return
15 and that the contribution will reduce the taxpayer's refund or
16 increase the amount of payment to accompany the return. Failure
17 to remit any amount of increased payment shall reduce the
18 contribution accordingly. This Section does not apply to any
19 amended return.

20 (Source: P.A. 94-107, eff. 7-1-05; 95-331, eff. 8-21-07;
21 revised 9-9-16.)

22 (35 ILCS 5/709.5)

23 Sec. 709.5. Withholding by partnerships, Subchapter S
24 corporations, and trusts.

1 (a) In general. For each taxable year ending on or after
2 December 31, 2008, every partnership (other than a publicly
3 traded partnership under Section 7704 of the Internal Revenue
4 Code or investment partnership), Subchapter S corporation, and
5 trust must withhold from each nonresident partner,
6 shareholder, or beneficiary (other than a partner,
7 shareholder, or beneficiary who is exempt from tax under
8 Section 501(a) of the Internal Revenue Code or under Section
9 205 of this Act, who is included on a composite return filed by
10 the partnership or Subchapter S corporation for the taxable
11 year under subsection (f) of Section 502 of this Act), or who
12 is a retired partner, to the extent that partner's
13 distributions are exempt from tax under Section 203(a)(2)(F) of
14 this Act) an amount equal to the sum of (i) the share of
15 business income of the partnership, Subchapter S corporation,
16 or trust apportionable to Illinois plus (ii) for taxable years
17 ending on or after December 31, 2014, the share of nonbusiness
18 income of the partnership, Subchapter S corporation, or trust
19 allocated to Illinois under Section 303 of this Act (other than
20 an amount allocated to the commercial domicile of the taxpayer
21 under Section 303 of this Act) that is distributable to that
22 partner, shareholder, or beneficiary under Sections 702 and 704
23 and Subchapter S of the Internal Revenue Code, whether or not
24 distributed, (iii) multiplied by the applicable rates of tax
25 for that partner, shareholder, or beneficiary under
26 subsections (a) through (d) of Section 201 of this Act, and

1 (iv) net of the share of any credit under Article 2 of this Act
2 that is distributable by the partnership, Subchapter S
3 corporation, or trust and allowable against the tax liability
4 of that partner, shareholder, or beneficiary for a taxable year
5 ending on or after December 31, 2014.

6 (b) Credit for taxes withheld. Any amount withheld under
7 subsection (a) of this Section and paid to the Department shall
8 be treated as a payment of the estimated tax liability or of
9 the liability for withholding under this Section of the
10 partner, shareholder, or beneficiary to whom the income is
11 distributable for the taxable year in which that person
12 incurred a liability under this Act with respect to that
13 income. The Department shall adopt rules pursuant to which a
14 partner, shareholder, or beneficiary may claim a credit against
15 its obligation for withholding under this Section for amounts
16 withheld under this Section with respect to income
17 distributable to it by a partnership, Subchapter S corporation,
18 or trust and allowing its partners, shareholders, or
19 beneficiaries to claim a credit under this subsection (b) for
20 those withheld amounts.

21 (c) Exemption from withholding.

22 (1) A partnership, Subchapter S corporation, or trust
23 shall not be required to withhold tax under subsection (a)
24 of this Section with respect to any nonresident partner,
25 shareholder, or beneficiary (other than an individual)
26 from whom the partnership, S corporation, or trust has

1 received a certificate, completed in the form and manner
2 prescribed by the Department, stating that such
3 nonresident partner, shareholder, or beneficiary shall:

4 (A) file all returns that the partner,
5 shareholder, or beneficiary is required to file under
6 Section 502 of this Act and make timely payment of all
7 taxes imposed under Section 201 of this Act or under
8 this Section on the partner, shareholder, or
9 beneficiary with respect to income of the partnership,
10 S corporation, or trust; and

11 (B) be subject to personal jurisdiction in this
12 State for purposes of the collection of income taxes,
13 together with related interest and penalties, imposed
14 on the partner, shareholder, or beneficiary with
15 respect to the income of the partnership, S
16 corporation, or trust.

17 (2) The Department may revoke the exemption provided by
18 this subsection (c) at any time that it determines that the
19 nonresident partner, shareholder, or beneficiary is not
20 abiding by the terms of the certificate. The Department
21 shall notify the partnership, S corporation, or trust that
22 it has revoked a certificate by notice left at the usual
23 place of business of the partnership, S corporation, or
24 trust or by mail to the last known address of the
25 partnership, S corporation, or trust.

26 (3) A partnership, S corporation, or trust that

1 receives a certificate under this subsection (c) properly
2 completed by a nonresident partner, shareholder, or
3 beneficiary shall not be required to withhold any amount
4 from that partner, shareholder, or beneficiary, the
5 payment of which would be due under Section 711(a-5) of
6 this Act after the receipt of the certificate and no
7 earlier than 60 days after the Department has notified the
8 partnership, S corporation, or trust that the certificate
9 has been revoked.

10 (4) Certificates received by a ~~the~~ partnership, S
11 corporation, or trust under this subsection (c) must be
12 retained by the partnership, S corporation, or trust and a
13 record of such certificates must be provided to the
14 Department, in a format in which the record is available
15 for review by the Department, upon request by the
16 Department. The Department may, by rule, require the record
17 of certificates to be maintained and provided to the
18 Department electronically.

19 (Source: P.A. 97-507, eff. 8-23-11; 98-478, eff. 1-1-14;
20 revised 9-9-16.)

21 Section 225. The Tobacco Products Tax Act of 1995 is
22 amended by changing Section 10-50 as follows:

23 (35 ILCS 143/10-50)

24 Sec. 10-50. Violations and penalties. When the amount due

1 is under \$300, any distributor who fails to file a return,
2 willfully fails or refuses to make any payment to the
3 Department of the tax imposed by this Act, or files a
4 fraudulent return, or any officer or agent of a corporation
5 engaged in the business of distributing tobacco products to
6 retailers and consumers located in this State who signs a
7 fraudulent return filed on behalf of the corporation, or any
8 accountant or other agent who knowingly enters false
9 information on the return of any taxpayer under this Act is
10 guilty of a Class 4 felony.

11 Any person who violates any provision of Section ~~Sections~~
12 10-20, 10-21, or 10-22 of this Act, fails to keep books and
13 records as required under this Act, or willfully violates a
14 rule or regulation of the Department for the administration and
15 enforcement of this Act is guilty of a Class 4 felony. A person
16 commits a separate offense on each day that he or she engages
17 in business in violation of Section ~~Sections~~ 10-20, 10-21, or
18 10-22 of this Act.

19 When the amount due is under \$300, any person who accepts
20 money that is due to the Department under this Act from a
21 taxpayer for the purpose of acting as the taxpayer's agent to
22 make the payment to the Department, but who fails to remit the
23 payment to the Department when due, is guilty of a Class 4
24 felony.

25 Any person who violates any provision of Sections 10-20,
26 10-21 and 10-22 of this Act, fails to keep books and records as

1 required under this Act, or willfully violates a rule or
2 regulation of the Department for the administration and
3 enforcement of this Act is guilty of a business offense and may
4 be fined up to \$5,000. A person commits a separate offense on
5 each day that he or she engages in business in violation of
6 Sections 10-20, 10-21 and 10-22 of this Act.

7 When the amount due is \$300 or more, any distributor who
8 files, or causes to be filed, a fraudulent return, or any
9 officer or agent of a corporation engaged in the business of
10 distributing tobacco products to retailers and consumers
11 located in this State who files or causes to be filed or signs
12 or causes to be signed a fraudulent return filed on behalf of
13 the corporation, or any accountant or other agent who knowingly
14 enters false information on the return of any taxpayer under
15 this Act is guilty of a Class 3 felony.

16 When the amount due is \$300 or more, any person engaged in
17 the business of distributing tobacco products to retailers and
18 consumers located in this State who fails to file a return,
19 willfully fails or refuses to make any payment to the
20 Department of the tax imposed by this Act, or accepts money
21 that is due to the Department under this Act from a taxpayer
22 for the purpose of acting as the taxpayer's agent to make
23 payment to the Department but fails to remit such payment to
24 the Department when due is guilty of a Class 3 felony.

25 When the amount due is under \$300, any retailer who fails
26 to file a return, willfully fails or refuses to make any

1 payment to the Department of the tax imposed by this Act, or
2 files a fraudulent return, or any officer or agent of a
3 corporation engaged in the retail business of selling tobacco
4 products to purchasers of tobacco products for use and
5 consumption located in this State who signs a fraudulent return
6 filed on behalf of the corporation, or any accountant or other
7 agent who knowingly enters false information on the return of
8 any taxpayer under this Act is guilty of a Class A misdemeanor
9 for a first offense and a Class 4 felony for each subsequent
10 offense.

11 When the amount due is \$300 or more, any retailer who fails
12 to file a return, willfully fails or refuses to make any
13 payment to the Department of the tax imposed by this Act, or
14 files a fraudulent return, or any officer or agent of a
15 corporation engaged in the retail business of selling tobacco
16 products to purchasers of tobacco products for use and
17 consumption located in this State who signs a fraudulent return
18 filed on behalf of the corporation, or any accountant or other
19 agent who knowingly enters false information on the return of
20 any taxpayer under this Act is guilty of a Class 4 felony.

21 Any person whose principal place of business is in this
22 State and who is charged with a violation under this Section
23 shall be tried in the county where his or her principal place
24 of business is located unless he or she asserts a right to be
25 tried in another venue. If the taxpayer does not have his or
26 her principal place of business in this State, however, the

1 hearing must be held in Sangamon County unless the taxpayer
2 asserts a right to be tried in another venue.

3 Any taxpayer or agent of a taxpayer who with the intent to
4 defraud purports to make a payment due to the Department by
5 issuing or delivering a check or other order upon a real or
6 fictitious depository for the payment of money, knowing that it
7 will not be paid by the depository, is guilty of a deceptive
8 practice in violation of Section 17-1 of the Criminal Code of
9 2012.

10 A prosecution for a violation described in this Section may
11 be commenced within 3 years after the commission of the act
12 constituting the violation.

13 (Source: P.A. 97-1150, eff. 1-25-13; 98-1055, eff. 1-1-16;
14 revised 9-12-16.)

15 Section 230. The Property Tax Code is amended by changing
16 Sections 11-25, 12-35, 15-176, 21-380, and 31-45 as follows:

17 (35 ILCS 200/11-25)

18 Sec. 11-25. Certification procedure. Application for a
19 pollution control facility certificate shall be filed with the
20 Pollution Control Board in a manner and form prescribed in
21 regulations issued by that board. The application shall contain
22 appropriate and available descriptive information concerning
23 anything claimed to be entitled in whole or in part to tax
24 treatment as a pollution control facility. If it is found that

1 the claimed facility or relevant portion thereof is a pollution
2 control facility as defined in Section 11-10, the Pollution
3 Control Board, acting through its Chairman or his or her
4 specifically authorized delegate, shall enter a finding and
5 issue a certificate to that effect. The certificate shall
6 require tax treatment as a pollution control facility, but only
7 for the portion certified if only a portion is certified. The
8 effective date of a certificate shall be the date of
9 application for the certificate or the date of the construction
10 of the facility, whichever ~~which ever~~ is later.

11 (Source: P.A. 76-2451; 88-455; revised 9-13-16.)

12 (35 ILCS 200/12-35)

13 Sec. 12-35. Notice sent to address of mortgage lender.
14 Whenever a notice is to be mailed as provided in Section
15 ~~Sections~~ 12-30, and the address that appears on the assessor's
16 records is the address of a mortgage lender, or in any event
17 whenever the notice is mailed by the township assessor or chief
18 county assessment officer to a taxpayer at or in care of the
19 address of a mortgage lender, the mortgage lender, within 15
20 days of the mortgage lender's receipt of the notice, shall mail
21 a copy of the notice to each mortgagor of the property referred
22 to in the notice at the last known address of each mortgagor as
23 shown on the records of the mortgage lender.

24 (Source: P.A. 86-415; 86-1481; 87-1189; 88-455; revised
25 9-12-16.)

1 (35 ILCS 200/15-176)

2 Sec. 15-176. Alternative general homestead exemption.

3 (a) For the assessment years as determined under subsection
4 (j), in any county that has elected, by an ordinance in
5 accordance with subsection (k), to be subject to the provisions
6 of this Section in lieu of the provisions of Section 15-175,
7 homestead property is entitled to an annual homestead exemption
8 equal to a reduction in the property's equalized assessed value
9 calculated as provided in this Section.

10 (b) As used in this Section:

11 (1) "Assessor" means the supervisor of assessments or
12 the chief county assessment officer of each county.

13 (2) "Adjusted homestead value" means the lesser of the
14 following values:

15 (A) The property's base homestead value increased
16 by 7% for each tax year after the base year through and
17 including the current tax year, or, if the property is
18 sold or ownership is otherwise transferred, the
19 property's base homestead value increased by 7% for
20 each tax year after the year of the sale or transfer
21 through and including the current tax year. The
22 increase by 7% each year is an increase by 7% over the
23 prior year.

24 (B) The property's equalized assessed value for
25 the current tax year minus: (i) \$4,500 in Cook County

1 or \$3,500 in all other counties in tax year 2003; (ii)
2 \$5,000 in all counties in tax years 2004 and 2005; and
3 (iii) the lesser of the amount of the general homestead
4 exemption under Section 15-175 or an amount equal to
5 the increase in the equalized assessed value for the
6 current tax year above the equalized assessed value for
7 1977 in tax year 2006 and thereafter.

8 (3) "Base homestead value".

9 (A) Except as provided in subdivision (b) (3) (A-5)
10 or (b) (3) (B), "base homestead value" means the
11 equalized assessed value of the property for the base
12 year prior to exemptions, minus (i) \$4,500 in Cook
13 County or \$3,500 in all other counties in tax year
14 2003, (ii) \$5,000 in all counties in tax years 2004 and
15 2005, or (iii) the lesser of the amount of the general
16 homestead exemption under Section 15-175 or an amount
17 equal to the increase in the equalized assessed value
18 for the current tax year above the equalized assessed
19 value for 1977 in tax year 2006 and thereafter,
20 provided that it was assessed for that year as
21 residential property qualified for any of the
22 homestead exemptions under Sections 15-170 through
23 15-175 of this Code, then in force, and further
24 provided that the property's assessment was not based
25 on a reduced assessed value resulting from a temporary
26 irregularity in the property for that year. Except as

1 provided in subdivision (b) (3) (B), if the property did
2 not have a residential equalized assessed value for the
3 base year, then "base homestead value" means the base
4 homestead value established by the assessor under
5 subsection (c).

6 (A-5) On or before September 1, 2007, in Cook
7 County, the base homestead value, as set forth under
8 subdivision (b) (3) (A) and except as provided under
9 subdivision (b) (3) (B), must be recalculated as the
10 equalized assessed value of the property for the base
11 year, prior to exemptions, minus:

12 (1) if the general assessment year for the
13 property was 2003, the lesser of (i) \$4,500 or (ii)
14 the amount equal to the increase in equalized
15 assessed value for the 2002 tax year above the
16 equalized assessed value for 1977;

17 (2) if the general assessment year for the
18 property was 2004, the lesser of (i) \$4,500 or (ii)
19 the amount equal to the increase in equalized
20 assessed value for the 2003 tax year above the
21 equalized assessed value for 1977;

22 (3) if the general assessment year for the
23 property was 2005, the lesser of (i) \$5,000 or (ii)
24 the amount equal to the increase in equalized
25 assessed value for the 2004 tax year above the
26 equalized assessed value for 1977.

1 (B) If the property is sold or ownership is
2 otherwise transferred, other than sales or transfers
3 between spouses or between a parent and a child, "base
4 homestead value" means the equalized assessed value of
5 the property at the time of the sale or transfer prior
6 to exemptions, minus: (i) \$4,500 in Cook County or
7 \$3,500 in all other counties in tax year 2003; (ii)
8 \$5,000 in all counties in tax years 2004 and 2005; and
9 (iii) the lesser of the amount of the general homestead
10 exemption under Section 15-175 or an amount equal to
11 the increase in the equalized assessed value for the
12 current tax year above the equalized assessed value for
13 1977 in tax year 2006 and thereafter, provided that it
14 was assessed as residential property qualified for any
15 of the homestead exemptions under Sections 15-170
16 through 15-175 of this Code, then in force, and further
17 provided that the property's assessment was not based
18 on a reduced assessed value resulting from a temporary
19 irregularity in the property.

20 (3.5) "Base year" means (i) tax year 2002 in Cook
21 County or (ii) tax year 2008 or 2009 in all other counties
22 in accordance with the designation made by the county as
23 provided in subsection (k).

24 (4) "Current tax year" means the tax year for which the
25 exemption under this Section is being applied.

26 (5) "Equalized assessed value" means the property's

1 assessed value as equalized by the Department.

2 (6) "Homestead" or "homestead property" means:

3 (A) Residential property that as of January 1 of
4 the tax year is occupied by its owner or owners as his,
5 her, or their principal dwelling place, or that is a
6 leasehold interest on which a single family residence
7 is situated, that is occupied as a residence by a
8 person who has a legal or equitable interest therein
9 evidenced by a written instrument, as an owner or as a
10 lessee, and on which the person is liable for the
11 payment of property taxes. Residential units in an
12 apartment building owned and operated as a
13 cooperative, or as a life care facility, which are
14 occupied by persons who hold a legal or equitable
15 interest in the cooperative apartment building or life
16 care facility as owners or lessees, and who are liable
17 by contract for the payment of property taxes, shall be
18 included within this definition of homestead property.

19 (B) A homestead includes the dwelling place,
20 appurtenant structures, and so much of the surrounding
21 land constituting the parcel on which the dwelling
22 place is situated as is used for residential purposes.
23 If the assessor has established a specific legal
24 description for a portion of property constituting the
25 homestead, then the homestead shall be limited to the
26 property within that description.

1 (7) "Life care facility" means a facility as defined in
2 Section 2 of the Life Care Facilities Act.

3 (c) If the property did not have a residential equalized
4 assessed value for the base year as provided in subdivision
5 (b) (3) (A) of this Section, then the assessor shall first
6 determine an initial value for the property by comparison with
7 assessed values for the base year of other properties having
8 physical and economic characteristics similar to those of the
9 subject property, so that the initial value is uniform in
10 relation to assessed values of those other properties for the
11 base year. The product of the initial value multiplied by the
12 equalized factor for the base year for homestead properties in
13 that county, less: (i) \$4,500 in Cook County or \$3,500 in all
14 other counties in tax ~~year~~ ~~years~~ 2003; (ii) \$5,000 in all
15 counties in tax ~~years~~ ~~year~~ 2004 and 2005; and (iii) the lesser
16 of the amount of the general homestead exemption under Section
17 15-175 or an amount equal to the increase in the equalized
18 assessed value for the current tax year above the equalized
19 assessed value for 1977 in tax year 2006 and thereafter, is the
20 base homestead value.

21 For any tax year for which the assessor determines or
22 adjusts an initial value and hence a base homestead value under
23 this subsection (c), the initial value shall be subject to
24 review by the same procedures applicable to assessed values
25 established under this Code for that tax year.

26 (d) The base homestead value shall remain constant, except

1 that the assessor may revise it under the following
2 circumstances:

3 (1) If the equalized assessed value of a homestead
4 property for the current tax year is less than the previous
5 base homestead value for that property, then the current
6 equalized assessed value (provided it is not based on a
7 reduced assessed value resulting from a temporary
8 irregularity in the property) shall become the base
9 homestead value in subsequent tax years.

10 (2) For any year in which new buildings, structures, or
11 other improvements are constructed on the homestead
12 property that would increase its assessed value, the
13 assessor shall adjust the base homestead value as provided
14 in subsection (c) of this Section with due regard to the
15 value added by the new improvements.

16 (3) If the property is sold or ownership is otherwise
17 transferred, the base homestead value of the property shall
18 be adjusted as provided in subdivision (b) (3) (B). This item
19 (3) does not apply to sales or transfers between spouses or
20 between a parent and a child.

21 (4) the recalculation required in Cook County under
22 subdivision (b) (3) (A-5).

23 (e) The amount of the exemption under this Section is the
24 equalized assessed value of the homestead property for the
25 current tax year, minus the adjusted homestead value, with the
26 following exceptions:

1 (1) In Cook County, the exemption under this Section
2 shall not exceed \$20,000 for any taxable year through tax
3 year:

4 (i) 2005, if the general assessment year for the
5 property is 2003;

6 (ii) 2006, if the general assessment year for the
7 property is 2004; or

8 (iii) 2007, if the general assessment year for the
9 property is 2005.

10 (1.1) Thereafter, in Cook County, and in all other
11 counties, the exemption is as follows:

12 (i) if the general assessment year for the property
13 is 2006, then the exemption may not exceed: \$33,000 for
14 taxable year 2006; \$26,000 for taxable year 2007;
15 \$20,000 for taxable years 2008 and 2009; \$16,000 for
16 taxable year 2010; and \$12,000 for taxable year 2011;

17 (ii) if the general assessment year for the
18 property is 2007, then the exemption may not exceed:
19 \$33,000 for taxable year 2007; \$26,000 for taxable year
20 2008; \$20,000 for taxable years 2009 and 2010; \$16,000
21 for taxable year 2011; and \$12,000 for taxable year
22 2012; and

23 (iii) if the general assessment year for the
24 property is 2008, then the exemption may not exceed:
25 \$33,000 for taxable year 2008; \$26,000 for taxable year
26 2009; \$20,000 for taxable years 2010 and 2011; \$16,000

1 for taxable year 2012; and \$12,000 for taxable year
2 2013.

3 (1.5) In Cook County, for the 2006 taxable year only, the
4 maximum amount of the exemption set forth under subsection
5 (e) (1.1) (i) of this Section may be increased: (i) by \$7,000 if
6 the equalized assessed value of the property in that taxable
7 year exceeds the equalized assessed value of that property in
8 2002 by 100% or more; or (ii) by \$2,000 if the equalized
9 assessed value of the property in that taxable year exceeds the
10 equalized assessed value of that property in 2002 by more than
11 80% but less than 100%.

12 (2) In the case of homestead property that also
13 qualifies for the exemption under Section 15-172, the
14 property is entitled to the exemption under this Section,
15 limited to the amount of (i) \$4,500 in Cook County or
16 \$3,500 in all other counties in tax year 2003, (ii) \$5,000
17 in all counties in tax years 2004 and 2005, or (iii) the
18 lesser of the amount of the general homestead exemption
19 under Section 15-175 or an amount equal to the increase in
20 the equalized assessed value for the current tax year above
21 the equalized assessed value for 1977 in tax year 2006 and
22 thereafter.

23 (f) In the case of an apartment building owned and operated
24 as a cooperative, or as a life care facility, that contains
25 residential units that qualify as homestead property under this
26 Section, the maximum cumulative exemption amount attributed to

1 the entire building or facility shall not exceed the sum of the
2 exemptions calculated for each qualified residential unit. The
3 cooperative association, management firm, or other person or
4 entity that manages or controls the cooperative apartment
5 building or life care facility shall credit the exemption
6 attributable to each residential unit only to the apportioned
7 tax liability of the owner or other person responsible for
8 payment of taxes as to that unit. Any person who willfully
9 refuses to so credit the exemption is guilty of a Class B
10 misdemeanor.

11 (g) When married persons maintain separate residences, the
12 exemption provided under this Section shall be claimed by only
13 one such person and for only one residence.

14 (h) In the event of a sale or other transfer in ownership
15 of the homestead property, the exemption under this Section
16 shall remain in effect for the remainder of the tax year and be
17 calculated using the same base homestead value in which the
18 sale or transfer occurs, but (other than for sales or transfers
19 between spouses or between a parent and a child) shall be
20 calculated for any subsequent tax year using the new base
21 homestead value as provided in subdivision (b)(3)(B). The
22 assessor may require the new owner of the property to apply for
23 the exemption in the following year.

24 (i) The assessor may determine whether property qualifies
25 as a homestead under this Section by application, visual
26 inspection, questionnaire, or other reasonable methods. Each

1 year, at the time the assessment books are certified to the
2 county clerk by the board of review, the assessor shall furnish
3 to the county clerk a list of the properties qualified for the
4 homestead exemption under this Section. The list shall note the
5 base homestead value of each property to be used in the
6 calculation of the exemption for the current tax year.

7 (j) In counties with 3,000,000 or more inhabitants, the
8 provisions of this Section apply as follows:

9 (1) If the general assessment year for the property is
10 2003, this Section applies for assessment years 2003
11 through 2011. Thereafter, the provisions of Section 15-175
12 apply.

13 (2) If the general assessment year for the property is
14 2004, this Section applies for assessment years 2004
15 through 2012. Thereafter, the provisions of Section 15-175
16 apply.

17 (3) If the general assessment year for the property is
18 2005, this Section applies for assessment years 2005
19 through 2013. Thereafter, the provisions of Section 15-175
20 apply.

21 In counties with less than 3,000,000 inhabitants, this
22 Section applies for assessment years (i) 2009, 2010, 2011, and
23 2012 if tax year 2008 is the designated base year or (ii) 2010,
24 2011, 2012, and 2013 if tax year 2009 is the designated base
25 year. Thereafter, the provisions of Section 15-175 apply.

26 (k) To be subject to the provisions of this Section in lieu

1 of Section 15-175, a county must adopt an ordinance to subject
 2 itself to the provisions of this Section within 6 months after
 3 August 2, 2010 (the effective date of Public Act 96-1418) ~~this~~
 4 ~~amendatory Act of the 96th General Assembly~~. In a county other
 5 than Cook County, the ordinance must designate either tax year
 6 2008 or tax year 2009 as the base year.

7 (1) Notwithstanding Sections 6 and 8 of the State Mandates
 8 Act, no reimbursement by the State is required for the
 9 implementation of any mandate created by this Section.

10 (Source: P.A. 95-644, eff 10-12-07; 96-1418, eff. 8-2-10;
 11 revised 9-13-16.)

12 (35 ILCS 200/21-380)

13 Sec. 21-380. Redemption under protest. Any person
 14 redeeming under this Section at a time subsequent to the filing
 15 of a petition under Section 22-30 or 21-445, who desires to
 16 preserve his or her right to defend against the petition for a
 17 tax deed, shall accompany the deposit for redemption with a
 18 writing substantially in the following form:

19 Redemption Under Protest

20 Tax Deed Case No.
 21 Vol. No.
 22 Property Index No.
 23 or Legal Description.
 24 Original Amount of Tax \$.
 25 Amount Deposited for Redemption \$.

1 Name of Petitioner.....

2 Tax Year Included in Judgment.

3 Date of Sale.....

4 Expiration Date of the Period of Redemption.....

5 To the county clerk of County:

6 This redemption is made under protest for the following
7 reasons: (here set forth and specify the grounds relied upon
8 for the objection)

9 Name of party redeeming.

10 Address.

11 Any grounds for the objection not specified at the time of
12 the redemption under protest shall not be considered by the
13 court. The specified grounds for the objections shall be
14 limited to those defenses as would provide sufficient basis to
15 deny entry of an order for issuance of a tax deed. Nothing in
16 this Section shall be construed to authorize or revive any
17 objection to the tax sale or underlying taxes which was
18 estopped by entry of the order for sale as set forth in Section
19 22-75.

20 The person protesting shall present to the county clerk 3
21 copies of the written protest signed by himself or herself. The
22 clerk shall write or stamp the date of receipt upon the copies
23 and sign them. He or she shall retain one of the copies,
24 another he or she shall deliver to the person making the
25 redemption, who shall file the copy with the clerk of the court
26 in which the tax deed petition is pending, and the third he or

1 she shall forward to the petitioner named therein.

2 The county clerk shall enter the redemption as provided in
3 Section 21-230 and shall note the redemption under protest. The
4 redemption money so deposited shall not be distributed to the
5 holder of the certificate of purchase but shall be retained by
6 the county clerk pending disposition of the petition filed
7 under Section 22-30.

8 Redemption under protest constitutes the appearance of the
9 person protesting in the proceedings under Sections ~~Section~~
10 22-30 through 22-55 and that person shall present a defense to
11 the petition for tax deed at the time which the court directs.
12 Failure to appear and defend shall constitute a waiver of the
13 protest and the court shall order the redemption money
14 distributed to the holder of the certificate of purchase upon
15 surrender of that certificate and shall dismiss the
16 proceedings.

17 When the party redeeming appears and presents a defense,
18 the court shall hear and determine the matter. If the defense
19 is not sustained, the court shall order the protest stricken
20 and direct the county clerk to distribute the redemption money
21 upon surrender of the certificate of purchase and shall order
22 the party redeeming to pay the petitioner reasonable expenses,
23 actually incurred, including the cost of withheld redemption
24 money, together with a reasonable attorneys fee. Upon a finding
25 sustaining the protest in whole or in part, the court may
26 declare the sale to be a sale in error under Section 21-310 or

1 Section 22-45, and shall direct the county clerk to return all
2 or part of the redemption money or deposit to the party
3 redeeming.

4 (Source: P.A. 86-286; 86-413; 86-418; 86-949; 86-1028;
5 86-1158; 86-1481; 87-145; 87-236; 87-435; 87-895; 87-1189;
6 88-455; revised 9-14-16.)

7 (35 ILCS 200/31-45)

8 Sec. 31-45. Exemptions. The following deeds or trust
9 documents shall be exempt from the provisions of this Article
10 except as provided in this Section:

11 (a) Deeds representing real estate transfers made
12 before January 1, 1968, but recorded after that date and
13 trust documents executed before January 1, 1986, but
14 recorded after that date.

15 (b) Deeds to or trust documents relating to (1)
16 property acquired by any governmental body or from any
17 governmental body, (2) property or interests transferred
18 between governmental bodies, or (3) property acquired by or
19 from any corporation, society, association, foundation or
20 institution organized and operated exclusively for
21 charitable, religious or educational purposes. However,
22 deeds or trust documents, other than those in which the
23 Administrator of Veterans ~~Veterans~~ Affairs of the United
24 States is the grantee pursuant to a foreclosure proceeding,
25 shall not be exempt from filing the declaration.

1 (c) Deeds or trust documents that secure debt or other
2 obligation.

3 (d) Deeds or trust documents that, without additional
4 consideration, confirm, correct, modify, or supplement a
5 deed or trust document previously recorded.

6 (e) Deeds or trust documents where the actual
7 consideration is less than \$100.

8 (f) Tax deeds.

9 (g) Deeds or trust documents that release property that
10 is security for a debt or other obligation.

11 (h) Deeds of partition.

12 (i) Deeds or trust documents made pursuant to mergers,
13 consolidations or transfers or sales of substantially all
14 of the assets of corporations under plans of reorganization
15 under the Federal Internal Revenue Code or Title 11 of the
16 Federal Bankruptcy Act.

17 (j) Deeds or trust documents made by a subsidiary
18 corporation to its parent corporation for no consideration
19 other than the cancellation or surrender of the
20 subsidiary's stock.

21 (k) Deeds when there is an actual exchange of real
22 estate and trust documents when there is an actual exchange
23 of beneficial interests, except that that money difference
24 or money's worth paid from one to the other is not exempt
25 from the tax. These deeds or trust documents, however,
26 shall not be exempt from filing the declaration.

1 (1) Deeds issued to a holder of a mortgage, as defined
2 in Section 15-103 of the Code of Civil Procedure, pursuant
3 to a mortgage foreclosure proceeding or pursuant to a
4 transfer in lieu of foreclosure.

5 (m) A deed or trust document related to the purchase of
6 a principal residence by a participant in the program
7 authorized by the Home Ownership Made Easy Act, except that
8 those deeds and trust documents shall not be exempt from
9 filing the declaration.

10 (Source: P.A. 91-555, eff. 1-1-00; revised 9-14-16.)

11 Section 235. The Local Tax Collection Act is amended by
12 changing Section 1 as follows:

13 (35 ILCS 720/1) (from Ch. 120, par. 1901)

14 Sec. 1. (a) The Department of Revenue and any unit of local
15 government may agree to the Department's collecting, and
16 transmitting back to the unit of local government, any tax
17 lawfully imposed by that unit of local government, the subject
18 of which is similar to that of a tax imposed by the State and
19 collected by the Department of Revenue, unless the General
20 Assembly has specifically required a different method of
21 collection for such tax. However, the Department may not enter
22 into a contract with any unit of local government pursuant to
23 this Act for the collection of any tax based on the sale or use
24 of tangible personal property generally, not including taxes

1 based only on the sale or use of specifically limited kinds of
2 tangible personal property, unless the ordinance adopted by the
3 unit of local government imposes a sales or use tax which is
4 substantively identical to and which contains the same
5 exemptions as the taxes imposed by the unit of local
6 government's ordinances authorized by the Home Rule or Non-Home
7 Rule Municipal or County Retailers' Occupation Tax Act, the
8 Home Rule or Non-Home Rule Municipal or County Use Tax, or any
9 other Retailers' Occupation Tax Act or Law that is administered
10 by the Department of Revenue, as interpreted by the Department
11 through its regulations as those Acts and as those regulations
12 may from time to time be amended.

13 (b) Regarding the collection of a tax pursuant to this
14 Section, the Department and any person subject to a tax
15 collected by the Department pursuant to this Section shall, as
16 much as practicable, have the same rights, remedies,
17 privileges, immunities, powers and duties, and be subject to
18 the same conditions, restrictions, limitations, penalties,
19 definitions of terms and procedures, as those set forth in the
20 Act imposing the State tax, the subject of which is similar to
21 the tax being collected by the Department pursuant to this
22 Section. The Department and unit of local government shall
23 specifically agree in writing to such rights, remedies,
24 privileges, immunities, powers, duties, conditions,
25 restrictions, limitations, penalties, definitions of terms and
26 procedures, as well as any other terms deemed necessary or

1 advisable. All terms so agreed upon shall be incorporated into
2 an ordinance of such unit of local government, and the
3 Department shall not collect the tax pursuant to this Section
4 until such ordinance takes effect.

5 (c) (1) The Department shall forthwith pay over to the
6 State Treasurer, ex officio, as trustee, all taxes and
7 penalties collected hereunder. On or before the 25th day of
8 each calendar month, the Department shall prepare and certify
9 to the Comptroller the disbursement of stated sums of money to
10 named units of local government from which retailers or other
11 taxpayers have paid taxes or penalties hereunder to the
12 Department during the second preceding calendar month.

13 (i) The amount to be paid to each unit of local government
14 shall equal the taxes and penalties collected by the Department
15 for the unit of local government pursuant to this Section
16 during the second preceding calendar month (not including
17 credit memoranda), plus an amount the Department determines is
18 necessary to offset any amounts which were erroneously paid to
19 a different taxing body, and not including (i) an amount equal
20 to the amount of refunds made during the second preceding
21 calendar month by the Department of behalf of such county or
22 municipality and (ii) any amount which the Department
23 determines is necessary to offset any amounts which are payable
24 to a different taxing body but were erroneously paid to the
25 municipality or county, less 2% of the balance, or any greater
26 amount of the balance as provided in the agreement between the

1 Department and the unit of local government required under this
2 Section, which sum shall be retained by the State Treasurer.

3 (ii) With respect to the amount to be retained by the State
4 Treasurer pursuant to subparagraph (i), the Department, at the
5 time of each monthly disbursement to the units of local
6 government, shall prepare and certify to the Comptroller the
7 amount so retained by the State Treasurer, which shall be
8 transferred into the Tax Compliance and Administration Fund and
9 used by the Department, subject to appropriation, to cover the
10 costs incurred by the Department in collecting taxes and
11 penalties.

12 (2) Within 10 days after receiving the certifications
13 described in paragraph (1), the Comptroller shall issue orders
14 for payment of the amounts specified in subparagraph (i) of
15 paragraph (1).

16 (d) Any unit of local government which imposes a tax
17 collected by the Department pursuant to this Section must file
18 a certified copy of the ordinance imposing the tax with the
19 Department within 10 days after its passage. Beginning on June
20 30, 2016 (the effective date of Public Act 99-517) ~~this~~
21 ~~amendatory Act of the 99th General Assembly~~, an ordinance or
22 resolution imposing or discontinuing a tax collected by the
23 Department under this Section or effecting a change in the rate
24 thereof shall either (i) be adopted and a certified copy
25 thereof filed with the Department on or before the first day of
26 April, whereupon the Department shall proceed to administer and

1 enforce the tax imposition, discontinuance, or rate change as
2 of the first day of July next following the adoption and
3 filing; or (ii) be adopted and certified copy thereof filed
4 with the Department on or before the first day of October,
5 whereupon the Department shall proceed to administer and
6 enforce the tax imposition, discontinuance, or rate change as
7 of the first day of January next following the adoption and
8 filing.

9 (e) It is declared to be the law of this State, pursuant to
10 paragraph (g) of Section 6 of Article VII of the Illinois
11 Constitution, that Public Act 85-1215 ~~this amendatory Act of~~
12 ~~1988~~ is a denial of the power of a home rule unit to fail to
13 comply with the requirements of subsection ~~paragraphs~~ (d) ~~and~~
14 ~~(e)~~ of this Section.

15 (Source: P.A. 99-517, eff. 6-30-16; revised 10-31-16.)

16 Section 240. The Illinois Pension Code is amended by
17 changing Sections 1-113, 1-113.4, 1-160, 4-106.1, 4-121,
18 8-107.2, 8-114, 9-121.6, 11-116, 11-125.5, 18-125, and 22A-111
19 as follows:

20 (40 ILCS 5/1-113) (from Ch. 108 1/2, par. 1-113)

21 Sec. 1-113. Investment authority of certain pension funds,
22 not including those established under Article 3 or 4. The
23 investment authority of a board of trustees of a retirement
24 system or pension fund established under this Code shall, if so

1 provided in the Article establishing such retirement system or
2 pension fund, embrace the following investments:

3 (1) Bonds, notes and other direct obligations of the
4 United States Government; bonds, notes and other
5 obligations of any United States Government agency or
6 instrumentality, whether or not guaranteed; and
7 obligations the principal and interest of which are
8 guaranteed unconditionally by the United States Government
9 or by an agency or instrumentality thereof.

10 (2) Obligations of the Inter-American Development
11 Bank, the International Bank for Reconstruction and
12 Development, the African Development Bank, the
13 International Finance Corporation, and the Asian
14 Development Bank.

15 (3) Obligations of any state, or of any political
16 subdivision in Illinois, or of any county or city in any
17 other state having a population as shown by the last
18 federal census of not less than 30,000 inhabitants provided
19 that such political subdivision is not permitted by law to
20 become indebted in excess of 10% of the assessed valuation
21 of property therein and has not defaulted for a period
22 longer than 30 days in the payment of interest and
23 principal on any of its general obligations or indebtedness
24 during a period of 10 calendar years immediately preceding
25 such investment.

26 (4) Nonconvertible bonds, debentures, notes and other

1 corporate obligations of any corporation created or
2 existing under the laws of the United States or any state,
3 district or territory thereof, provided there has been no
4 default on the obligations of the corporation or its
5 predecessor(s) during the 5 calendar years immediately
6 preceding the purchase. Up to 5% of the assets of a pension
7 fund established under Article 9 of this Code may be
8 invested in nonconvertible bonds, debentures, notes, and
9 other corporate obligations of corporations created or
10 existing under the laws of a foreign country, provided
11 there has been no default on the obligations of the
12 corporation or its predecessors during the 5 calendar years
13 immediately preceding the date of purchase.

14 (5) Obligations guaranteed by the Government of
15 Canada, or by any Province of Canada, or by any Canadian
16 city with a population of not less than 150,000
17 inhabitants, provided (a) they are payable in United States
18 currency and are exempt from any Canadian withholding tax;
19 (b) the investment in any one issue of bonds shall not
20 exceed 10% of the amount outstanding; and (c) the total
21 investments at book value in Canadian securities shall be
22 limited to 5% of the total investment account of the board
23 at book value.

24 (5.1) Direct obligations of the State of Israel for the
25 payment of money, or obligations for the payment of money
26 which are guaranteed as to the payment of principal and

1 interest by the State of Israel, or common or preferred
2 stock or notes issued by a bank owned or controlled in
3 whole or in part by the State of Israel, on the following
4 conditions:

5 (a) The total investments in such obligations
6 shall not exceed 5% of the book value of the aggregate
7 investments owned by the board;

8 (b) The State of Israel shall not be in default in
9 the payment of principal or interest on any of its
10 direct general obligations on the date of such
11 investment;

12 (c) The bonds, stock or notes, and interest thereon
13 shall be payable in currency of the United States;

14 (d) The bonds shall (1) contain an option for the
15 redemption thereof after 90 days from date of purchase
16 or (2) either become due 5 years from the date of their
17 purchase or be subject to redemption 120 days after the
18 date of notice for redemption;

19 (e) The investment in these obligations has been
20 approved in writing by investment counsel employed by
21 the board, which counsel shall be a national or state
22 bank or trust company authorized to do a trust business
23 in the State of Illinois, or an investment advisor
24 qualified under the federal ~~Federal~~ Investment
25 Advisers ~~Advisors~~ Act of 1940 and registered under the
26 Illinois Securities Law ~~Act~~ of 1953;

1 (f) The fund or system making the investment shall
2 have at least \$5,000,000 of net present assets.

3 (6) Notes secured by mortgages under Sections 203, 207,
4 220 and 221 of the National Housing Act which are insured
5 by the Federal Housing Commissioner, or his successor
6 assigns, or debentures issued by such Commissioner, which
7 are guaranteed as to principal and interest by the Federal
8 Housing Administration, or agency of the United States
9 Government, provided the aggregate investment shall not
10 exceed 20% of the total investment account of the board at
11 book value, and provided further that the investment in
12 such notes under Sections 220 and 221 shall in no event
13 exceed one-half of the maximum investment in notes under
14 this paragraph.

15 (7) Loans to veterans guaranteed in whole or part by
16 the United States Government pursuant to Title III of the
17 Act of Congress known as the "Servicemen's Readjustment Act
18 of 1944," 58 Stat. 284, 38 U.S.C. 693, as amended or
19 supplemented from time to time, provided such guaranteed
20 loans are liens upon real estate.

21 (8) Common and preferred stocks and convertible debt
22 securities authorized for investment of trust funds under
23 the laws of the State of Illinois, provided:

24 (a) the common stocks, except as provided in
25 subparagraph (g), are listed on a national securities
26 exchange or board of trade, as defined in the federal

1 Securities Exchange Act of 1934, or quoted in the
2 National Association of Securities Dealers Automated
3 Quotation System (NASDAQ);

4 (b) the securities are of a corporation created or
5 existing under the laws of the United States or any
6 state, district or territory thereof, except that up to
7 5% of the assets of a pension fund established under
8 Article 9 of this Code may be invested in securities
9 issued by corporations created or existing under the
10 laws of a foreign country, if those securities are
11 otherwise in conformance with this paragraph (8);

12 (c) the corporation is not in arrears on payment of
13 dividends on its preferred stock;

14 (d) the total book value of all stocks and
15 convertible debt owned by any pension fund or
16 retirement system shall not exceed 40% of the aggregate
17 book value of all investments of such pension fund or
18 retirement system, except for a pension fund or
19 retirement system governed by Article 9 or 17, where
20 the total of all stocks and convertible debt shall not
21 exceed 50% of the aggregate book value of all fund
22 investments, and except for a pension fund or
23 retirement system governed by Article 13, where the
24 total market value of all stocks and convertible debt
25 shall not exceed 65% of the aggregate market value of
26 all fund investments;

1 (e) the book value of stock and convertible debt
2 investments in any one corporation shall not exceed 5%
3 of the total investment account at book value in which
4 such securities are held, determined as of the date of
5 the investment, and the investments in the stock of any
6 one corporation shall not exceed 5% of the total
7 outstanding stock of such corporation, and the
8 investments in the convertible debt of any one
9 corporation shall not exceed 5% of the total amount of
10 such debt that may be outstanding;

11 (f) the straight preferred stocks or convertible
12 preferred stocks and convertible debt securities are
13 issued or guaranteed by a corporation whose common
14 stock qualifies for investment by the board; and

15 (g) that any common stocks not listed or quoted as
16 provided in subdivision (8) (a) ~~8 (a) above~~ be limited to
17 the following types of institutions: (a) any bank which
18 is a member of the Federal Deposit Insurance
19 Corporation having capital funds represented by
20 capital stock, surplus and undivided profits of at
21 least \$20,000,000; (b) any life insurance company
22 having capital funds represented by capital stock,
23 special surplus funds and unassigned surplus totalling
24 at least \$50,000,000; and (c) any fire or casualty
25 insurance company, or a combination thereof, having
26 capital funds represented by capital stock, net

1 surplus and voluntary reserves of at least
2 \$50,000,000.

3 (9) Withdrawable accounts of State chartered and
4 federal chartered savings and loan associations insured by
5 the Federal Savings and Loan Insurance Corporation;
6 deposits or certificates of deposit in State and national
7 banks insured by the Federal Deposit Insurance
8 Corporation; and share accounts or share certificate
9 accounts in a State or federal credit union, the accounts
10 of which are insured as required by the Illinois Credit
11 Union Act or the Federal Credit Union Act, as applicable.

12 No bank or savings and loan association shall receive
13 investment funds as permitted by this subsection (9),
14 unless it has complied with the requirements established
15 pursuant to Section 6 of the Public Funds Investment Act.

16 (10) Trading, purchase or sale of listed options on
17 underlying securities owned by the board.

18 (11) Contracts and agreements supplemental thereto
19 providing for investments in the general account of a life
20 insurance company authorized to do business in Illinois.

21 (12) Conventional mortgage pass-through securities
22 which are evidenced by interests in Illinois
23 owner-occupied residential mortgages, having not less than
24 an "A" rating from at least one national securities rating
25 service. Such mortgages may have loan-to-value ratios up to
26 95%, provided that any amount over 80% is insured by

1 private mortgage insurance. The pool of such mortgages
2 shall be insured by mortgage guaranty or equivalent
3 insurance, in accordance with industry standards.

4 (13) Pooled or commingled funds managed by a national
5 or State bank which is authorized to do a trust business in
6 the State of Illinois, shares of registered investment
7 companies as defined in the federal Investment Company Act
8 of 1940 which are registered under that Act, and separate
9 accounts of a life insurance company authorized to do
10 business in Illinois, where such pooled or commingled
11 funds, shares, or separate accounts are comprised of common
12 or preferred stocks, bonds, or money market instruments.

13 (14) Pooled or commingled funds managed by a national
14 or state bank which is authorized to do a trust business in
15 the State of Illinois, separate accounts managed by a life
16 insurance company authorized to do business in Illinois,
17 and commingled group trusts managed by an investment
18 adviser registered under the federal Investment Advisers
19 ~~Advisers~~ Act of 1940 (15 U.S.C. 80b-1 et seq.) and under
20 the Illinois Securities Law of 1953, where such pooled or
21 commingled funds, separate accounts or commingled group
22 trusts are comprised of real estate or loans upon real
23 estate secured by first or second mortgages. The total
24 investment in such pooled or commingled funds, commingled
25 group trusts and separate accounts shall not exceed 10% of
26 the aggregate book value of all investments owned by the

1 fund.

2 (15) Investment companies which (a) are registered as
3 such under the Investment Company Act of 1940, (b) are
4 diversified, open-end management investment companies and
5 (c) invest only in money market instruments.

6 (16) Up to 10% of the assets of the fund may be
7 invested in investments not included in paragraphs (1)
8 through (15) of this Section, provided that such
9 investments comply with the requirements and restrictions
10 set forth in Sections 1-109, 1-109.1, 1-109.2, 1-110, and
11 1-111 of this Code.

12 The board shall have the authority to enter into such
13 agreements and to execute such documents as it determines to be
14 necessary to complete any investment transaction.

15 Any limitations herein set forth shall be applicable only
16 at the time of purchase and shall not require the liquidation
17 of any investment at any time.

18 All investments shall be clearly held and accounted for to
19 indicate ownership by such board. Such board may direct the
20 registration of securities in its own name or in the name of a
21 nominee created for the express purpose of registration of
22 securities by a national or state bank or trust company
23 authorized to conduct a trust business in the State of
24 Illinois.

25 Investments shall be carried at cost or at a value
26 determined in accordance with generally accepted accounting

1 principles and accounting procedures approved by such board.

2 (Source: P.A. 92-53, eff. 7-12-01; revised 9-2-16.)

3 (40 ILCS 5/1-113.4)

4 Sec. 1-113.4. List of additional permitted investments for
5 pension funds with net assets of \$5,000,000 or more.

6 (a) In addition to the items in Sections 1-113.2 and
7 1-113.3, a pension fund established under Article 3 or 4 that
8 has net assets of at least \$5,000,000 and has appointed an
9 investment adviser under Section 1-113.5 may, through that
10 investment adviser, invest a portion of its assets in common
11 and preferred stocks authorized for investments of trust funds
12 under the laws of the State of Illinois. The stocks must meet
13 all of the following requirements:

14 (1) The common stocks are listed on a national
15 securities exchange or board of trade (as defined in the
16 federal Securities Exchange Act of 1934 and set forth in
17 subdivision G of Section 3 ~~Section 3.G~~ of the Illinois
18 Securities Law of 1953) or quoted in the National
19 Association of Securities Dealers Automated Quotation
20 System National Market System (NASDAQ NMS).

21 (2) The securities are of a corporation created or
22 existing under the laws of the United States or any state,
23 district, or territory thereof and the corporation has been
24 in existence for at least 5 years.

25 (3) The corporation has not been in arrears on payment

1 of dividends on its preferred stock during the preceding 5
2 years.

3 (4) The market value of stock in any one corporation
4 does not exceed 5% of the cash and invested assets of the
5 pension fund, and the investments in the stock of any one
6 corporation do not exceed 5% of the total outstanding stock
7 of that corporation.

8 (5) The straight preferred stocks or convertible
9 preferred stocks are issued or guaranteed by a corporation
10 whose common stock qualifies for investment by the board.

11 (6) The issuer of the stocks has been subject to the
12 requirements of Section 12 of the federal Securities
13 Exchange Act of 1934 and has been current with the filing
14 requirements of Sections 13 and 14 of that Act during the
15 preceding 3 years.

16 (b) A pension fund's total investment in the items
17 authorized under this Section and Section 1-113.3 shall not
18 exceed 35% of the market value of the pension fund's net
19 present assets stated in its most recent annual report on file
20 with the Illinois Department of Insurance.

21 (c) A pension fund that invests funds under this Section
22 shall electronically file with the Division any reports of its
23 investment activities that the Division may require, at the
24 times and in the format required by the Division.

25 (Source: P.A. 90-507, eff. 8-22-97; revised 10-25-16.)

1 (40 ILCS 5/1-160)

2 (Text of Section WITH the changes made by P.A. 98-641,
3 which has been held unconstitutional)

4 Sec. 1-160. Provisions applicable to new hires.

5 (a) The provisions of this Section apply to a person who,
6 on or after January 1, 2011, first becomes a member or a
7 participant under any reciprocal retirement system or pension
8 fund established under this Code, other than a retirement
9 system or pension fund established under Article 2, 3, 4, 5, 6,
10 15 or 18 of this Code, notwithstanding any other provision of
11 this Code to the contrary, but do not apply to any self-managed
12 plan established under this Code, to any person with respect to
13 service as a sheriff's law enforcement employee under Article
14 7, or to any participant of the retirement plan established
15 under Section 22-101. Notwithstanding anything to the contrary
16 in this Section, for purposes of this Section, a person who
17 participated in a retirement system under Article 15 prior to
18 January 1, 2011 shall be deemed a person who first became a
19 member or participant prior to January 1, 2011 under any
20 retirement system or pension fund subject to this Section. The
21 changes made to this Section by Public Act 98-596 are a
22 clarification of existing law and are intended to be
23 retroactive to the effective date of Public Act 96-889,
24 notwithstanding the provisions of Section 1-103.1 of this Code.

25 (b) "Final average salary" means the average monthly (or
26 annual) salary obtained by dividing the total salary or

1 earnings calculated under the Article applicable to the member
2 or participant during the 96 consecutive months (or 8
3 consecutive years) of service within the last 120 months (or 10
4 years) of service in which the total salary or earnings
5 calculated under the applicable Article was the highest by the
6 number of months (or years) of service in that period. For the
7 purposes of a person who first becomes a member or participant
8 of any retirement system or pension fund to which this Section
9 applies on or after January 1, 2011, in this Code, "final
10 average salary" shall be substituted for the following:

11 (1) In Article 7 (except for service as sheriff's law
12 enforcement employees), "final rate of earnings".

13 (2) In Articles 8, 9, 10, 11, and 12, "highest average
14 annual salary for any 4 consecutive years within the last
15 10 years of service immediately preceding the date of
16 withdrawal".

17 (3) In Article 13, "average final salary".

18 (4) In Article 14, "final average compensation".

19 (5) In Article 17, "average salary".

20 (6) In Section 22-207, "wages or salary received by him
21 at the date of retirement or discharge".

22 (b-5) Beginning on January 1, 2011, for all purposes under
23 this Code (including without limitation the calculation of
24 benefits and employee contributions), the annual earnings,
25 salary, or wages (based on the plan year) of a member or
26 participant to whom this Section applies shall not exceed

1 \$106,800; however, that amount shall annually thereafter be
2 increased by the lesser of (i) 3% of that amount, including all
3 previous adjustments, or (ii) one-half the annual unadjusted
4 percentage increase (but not less than zero) in the consumer
5 price index-u for the 12 months ending with the September
6 preceding each November 1, including all previous adjustments.

7 For the purposes of this Section, "consumer price index-u"
8 means the index published by the Bureau of Labor Statistics of
9 the United States Department of Labor that measures the average
10 change in prices of goods and services purchased by all urban
11 consumers, United States city average, all items, 1982-84 =
12 100. The new amount resulting from each annual adjustment shall
13 be determined by the Public Pension Division of the Department
14 of Insurance and made available to the boards of the retirement
15 systems and pension funds by November 1 of each year.

16 (c) A member or participant is entitled to a retirement
17 annuity upon written application if he or she has attained age
18 67 (beginning January 1, 2015, age 65 with respect to service
19 under Article 8, 11, or 12 of this Code that is subject to this
20 Section) and has at least 10 years of service credit and is
21 otherwise eligible under the requirements of the applicable
22 Article.

23 A member or participant who has attained age 62 (beginning
24 January 1, 2015, age 60 with respect to service under Article
25 8, 11, or 12 of this Code that is subject to this Section) and
26 has at least 10 years of service credit and is otherwise

1 eligible under the requirements of the applicable Article may
2 elect to receive the lower retirement annuity provided in
3 subsection (d) of this Section.

4 (d) The retirement annuity of a member or participant who
5 is retiring after attaining age 62 (beginning January 1, 2015,
6 age 60 with respect to service under Article 8, 11, or 12 of
7 this Code that is subject to this Section) with at least 10
8 years of service credit shall be reduced by one-half of 1% for
9 each full month that the member's age is under age 67
10 (beginning January 1, 2015, age 65 with respect to service
11 under Article 8, 11, or 12 of this Code that is subject to this
12 Section).

13 (e) Any retirement annuity or supplemental annuity shall be
14 subject to annual increases on the January 1 occurring either
15 on or after the attainment of age 67 (beginning January 1,
16 2015, age 65 with respect to service under Article 8, 11, or 12
17 of this Code that is subject to this Section) or the first
18 anniversary (the second anniversary with respect to service
19 under Article 8 or 11) of the annuity start date, whichever is
20 later. Each annual increase shall be calculated at 3% or
21 one-half the annual unadjusted percentage increase (but not
22 less than zero) in the consumer price index-u for the 12 months
23 ending with the September preceding each November 1, whichever
24 is less, of the originally granted retirement annuity. If the
25 annual unadjusted percentage change in the consumer price
26 index-u for the 12 months ending with the September preceding

1 each November 1 is zero or there is a decrease, then the
2 annuity shall not be increased.

3 Notwithstanding any provision of this Section to the
4 contrary, with respect to service under Article 8 or 11 of this
5 Code that is subject to this Section, no annual increase under
6 this subsection shall be paid or accrue to any person in year
7 2025. In all other years, the Fund shall continue to pay annual
8 increases as provided in this Section.

9 Notwithstanding Section 1-103.1 of this Code, the changes
10 in this amendatory Act of the 98th General Assembly are
11 applicable without regard to whether the employee was in active
12 service on or after the effective date of this amendatory Act
13 of the 98th General Assembly.

14 (f) The initial survivor's or widow's annuity of an
15 otherwise eligible survivor or widow of a retired member or
16 participant who first became a member or participant on or
17 after January 1, 2011 shall be in the amount of 66 2/3% of the
18 retired member's or participant's retirement annuity at the
19 date of death. In the case of the death of a member or
20 participant who has not retired and who first became a member
21 or participant on or after January 1, 2011, eligibility for a
22 survivor's or widow's annuity shall be determined by the
23 applicable Article of this Code. The initial benefit shall be
24 66 2/3% of the earned annuity without a reduction due to age. A
25 child's annuity of an otherwise eligible child shall be in the
26 amount prescribed under each Article if applicable. Any

1 survivor's or widow's annuity shall be increased (1) on each
2 January 1 occurring on or after the commencement of the annuity
3 if the deceased member died while receiving a retirement
4 annuity or (2) in other cases, on each January 1 occurring
5 after the first anniversary of the commencement of the annuity.
6 Each annual increase shall be calculated at 3% or one-half the
7 annual unadjusted percentage increase (but not less than zero)
8 in the consumer price index-u for the 12 months ending with the
9 September preceding each November 1, whichever is less, of the
10 originally granted survivor's annuity. If the annual
11 unadjusted percentage change in the consumer price index-u for
12 the 12 months ending with the September preceding each November
13 1 is zero or there is a decrease, then the annuity shall not be
14 increased.

15 (g) The benefits in Section 14-110 apply only if the person
16 is a State policeman, a fire fighter in the fire protection
17 service of a department, or a security employee of the
18 Department of Corrections or the Department of Juvenile
19 Justice, as those terms are defined in subsection (b) of
20 Section 14-110. A person who meets the requirements of this
21 Section is entitled to an annuity calculated under the
22 provisions of Section 14-110, in lieu of the regular or minimum
23 retirement annuity, only if the person has withdrawn from
24 service with not less than 20 years of eligible creditable
25 service and has attained age 60, regardless of whether the
26 attainment of age 60 occurs while the person is still in

1 service.

2 (h) If a person who first becomes a member or a participant
3 of a retirement system or pension fund subject to this Section
4 on or after January 1, 2011 is receiving a retirement annuity
5 or retirement pension under that system or fund and becomes a
6 member or participant under any other system or fund created by
7 this Code and is employed on a full-time basis, except for
8 those members or participants exempted from the provisions of
9 this Section under subsection (a) of this Section, then the
10 person's retirement annuity or retirement pension under that
11 system or fund shall be suspended during that employment. Upon
12 termination of that employment, the person's retirement
13 annuity or retirement pension payments shall resume and be
14 recalculated if recalculation is provided for under the
15 applicable Article of this Code.

16 If a person who first becomes a member of a retirement
17 system or pension fund subject to this Section on or after
18 January 1, 2012 and is receiving a retirement annuity or
19 retirement pension under that system or fund and accepts on a
20 contractual basis a position to provide services to a
21 governmental entity from which he or she has retired, then that
22 person's annuity or retirement pension earned as an active
23 employee of the employer shall be suspended during that
24 contractual service. A person receiving an annuity or
25 retirement pension under this Code shall notify the pension
26 fund or retirement system from which he or she is receiving an

1 annuity or retirement pension, as well as his or her
2 contractual employer, of his or her retirement status before
3 accepting contractual employment. A person who fails to submit
4 such notification shall be guilty of a Class A misdemeanor and
5 required to pay a fine of \$1,000. Upon termination of that
6 contractual employment, the person's retirement annuity or
7 retirement pension payments shall resume and, if appropriate,
8 be recalculated under the applicable provisions of this Code.

9 (i) (Blank).

10 (j) In the case of a conflict between the provisions of
11 this Section and any other provision of this Code, the
12 provisions of this Section shall control.

13 (Source: P.A. 97-609, eff. 1-1-12; 98-92, eff. 7-16-13; 98-596,
14 eff. 11-19-13; 98-622, eff. 6-1-14; 98-641, eff. 6-9-14.)

15 (Text of Section WITHOUT the changes made by P.A. 98-641,
16 which has been held unconstitutional)

17 Sec. 1-160. Provisions applicable to new hires.

18 (a) The provisions of this Section apply to a person who,
19 on or after January 1, 2011, first becomes a member or a
20 participant under any reciprocal retirement system or pension
21 fund established under this Code, other than a retirement
22 system or pension fund established under Article 2, 3, 4, 5, 6,
23 15 or 18 of this Code, notwithstanding any other provision of
24 this Code to the contrary, but do not apply to any self-managed
25 plan established under this Code, to any person with respect to

1 service as a sheriff's law enforcement employee under Article
2 7, or to any participant of the retirement plan established
3 under Section 22-101. Notwithstanding anything to the contrary
4 in this Section, for purposes of this Section, a person who
5 participated in a retirement system under Article 15 prior to
6 January 1, 2011 shall be deemed a person who first became a
7 member or participant prior to January 1, 2011 under any
8 retirement system or pension fund subject to this Section. The
9 changes made to this Section by Public Act 98-596 ~~this~~
10 ~~amendatory Act of the 98th General Assembly~~ are a clarification
11 of existing law and are intended to be retroactive to January
12 1, 2011 (the effective date of Public Act 96-889),
13 notwithstanding the provisions of Section 1-103.1 of this Code.

14 (b) "Final average salary" means the average monthly (or
15 annual) salary obtained by dividing the total salary or
16 earnings calculated under the Article applicable to the member
17 or participant during the 96 consecutive months (or 8
18 consecutive years) of service within the last 120 months (or 10
19 years) of service in which the total salary or earnings
20 calculated under the applicable Article was the highest by the
21 number of months (or years) of service in that period. For the
22 purposes of a person who first becomes a member or participant
23 of any retirement system or pension fund to which this Section
24 applies on or after January 1, 2011, in this Code, "final
25 average salary" shall be substituted for the following:

26 (1) In Article 7 (except for service as sheriff's law

1 enforcement employees), "final rate of earnings".

2 (2) In Articles 8, 9, 10, 11, and 12, "highest average
3 annual salary for any 4 consecutive years within the last
4 10 years of service immediately preceding the date of
5 withdrawal".

6 (3) In Article 13, "average final salary".

7 (4) In Article 14, "final average compensation".

8 (5) In Article 17, "average salary".

9 (6) In Section 22-207, "wages or salary received by him
10 at the date of retirement or discharge".

11 (b-5) Beginning on January 1, 2011, for all purposes under
12 this Code (including without limitation the calculation of
13 benefits and employee contributions), the annual earnings,
14 salary, or wages (based on the plan year) of a member or
15 participant to whom this Section applies shall not exceed
16 \$106,800; however, that amount shall annually thereafter be
17 increased by the lesser of (i) 3% of that amount, including all
18 previous adjustments, or (ii) one-half the annual unadjusted
19 percentage increase (but not less than zero) in the consumer
20 price index-u for the 12 months ending with the September
21 preceding each November 1, including all previous adjustments.

22 For the purposes of this Section, "consumer price index-u"
23 means the index published by the Bureau of Labor Statistics of
24 the United States Department of Labor that measures the average
25 change in prices of goods and services purchased by all urban
26 consumers, United States city average, all items, 1982-84 =

1 100. The new amount resulting from each annual adjustment shall
2 be determined by the Public Pension Division of the Department
3 of Insurance and made available to the boards of the retirement
4 systems and pension funds by November 1 of each year.

5 (c) A member or participant is entitled to a retirement
6 annuity upon written application if he or she has attained age
7 67 (beginning January 1, 2015, age 65 with respect to service
8 under Article 12 of this Code that is subject to this Section)
9 and has at least 10 years of service credit and is otherwise
10 eligible under the requirements of the applicable Article.

11 A member or participant who has attained age 62 (beginning
12 January 1, 2015, age 60 with respect to service under Article
13 12 of this Code that is subject to this Section) and has at
14 least 10 years of service credit and is otherwise eligible
15 under the requirements of the applicable Article may elect to
16 receive the lower retirement annuity provided in subsection (d)
17 of this Section.

18 (d) The retirement annuity of a member or participant who
19 is retiring after attaining age 62 (beginning January 1, 2015,
20 age 60 with respect to service under Article 12 of this Code
21 that is subject to this Section) with at least 10 years of
22 service credit shall be reduced by one-half of 1% for each full
23 month that the member's age is under age 67 (beginning January
24 1, 2015, age 65 with respect to service under Article 12 of
25 this Code that is subject to this Section).

26 (e) Any retirement annuity or supplemental annuity shall be

1 subject to annual increases on the January 1 occurring either
2 on or after the attainment of age 67 (beginning January 1,
3 2015, age 65 with respect to service under Article 12 of this
4 Code that is subject to this Section) or the first anniversary
5 of the annuity start date, whichever is later. Each annual
6 increase shall be calculated at 3% or one-half the annual
7 unadjusted percentage increase (but not less than zero) in the
8 consumer price index-u for the 12 months ending with the
9 September preceding each November 1, whichever is less, of the
10 originally granted retirement annuity. If the annual
11 unadjusted percentage change in the consumer price index-u for
12 the 12 months ending with the September preceding each November
13 1 is zero or there is a decrease, then the annuity shall not be
14 increased.

15 (f) The initial survivor's or widow's annuity of an
16 otherwise eligible survivor or widow of a retired member or
17 participant who first became a member or participant on or
18 after January 1, 2011 shall be in the amount of $66 \frac{2}{3}\%$ of the
19 retired member's or participant's retirement annuity at the
20 date of death. In the case of the death of a member or
21 participant who has not retired and who first became a member
22 or participant on or after January 1, 2011, eligibility for a
23 survivor's or widow's annuity shall be determined by the
24 applicable Article of this Code. The initial benefit shall be
25 $66 \frac{2}{3}\%$ of the earned annuity without a reduction due to age. A
26 child's annuity of an otherwise eligible child shall be in the

1 amount prescribed under each Article if applicable. Any
2 survivor's or widow's annuity shall be increased (1) on each
3 January 1 occurring on or after the commencement of the annuity
4 if the deceased member died while receiving a retirement
5 annuity or (2) in other cases, on each January 1 occurring
6 after the first anniversary of the commencement of the annuity.
7 Each annual increase shall be calculated at 3% or one-half the
8 annual unadjusted percentage increase (but not less than zero)
9 in the consumer price index-u for the 12 months ending with the
10 September preceding each November 1, whichever is less, of the
11 originally granted survivor's annuity. If the annual
12 unadjusted percentage change in the consumer price index-u for
13 the 12 months ending with the September preceding each November
14 1 is zero or there is a decrease, then the annuity shall not be
15 increased.

16 (g) The benefits in Section 14-110 apply only if the person
17 is a State policeman, a fire fighter in the fire protection
18 service of a department, or a security employee of the
19 Department of Corrections or the Department of Juvenile
20 Justice, as those terms are defined in subsection (b) of
21 Section 14-110. A person who meets the requirements of this
22 Section is entitled to an annuity calculated under the
23 provisions of Section 14-110, in lieu of the regular or minimum
24 retirement annuity, only if the person has withdrawn from
25 service with not less than 20 years of eligible creditable
26 service and has attained age 60, regardless of whether the

1 attainment of age 60 occurs while the person is still in
2 service.

3 (h) If a person who first becomes a member or a participant
4 of a retirement system or pension fund subject to this Section
5 on or after January 1, 2011 is receiving a retirement annuity
6 or retirement pension under that system or fund and becomes a
7 member or participant under any other system or fund created by
8 this Code and is employed on a full-time basis, except for
9 those members or participants exempted from the provisions of
10 this Section under subsection (a) of this Section, then the
11 person's retirement annuity or retirement pension under that
12 system or fund shall be suspended during that employment. Upon
13 termination of that employment, the person's retirement
14 annuity or retirement pension payments shall resume and be
15 recalculated if recalculation is provided for under the
16 applicable Article of this Code.

17 If a person who first becomes a member of a retirement
18 system or pension fund subject to this Section on or after
19 January 1, 2012 and is receiving a retirement annuity or
20 retirement pension under that system or fund and accepts on a
21 contractual basis a position to provide services to a
22 governmental entity from which he or she has retired, then that
23 person's annuity or retirement pension earned as an active
24 employee of the employer shall be suspended during that
25 contractual service. A person receiving an annuity or
26 retirement pension under this Code shall notify the pension

1 fund or retirement system from which he or she is receiving an
2 annuity or retirement pension, as well as his or her
3 contractual employer, of his or her retirement status before
4 accepting contractual employment. A person who fails to submit
5 such notification shall be guilty of a Class A misdemeanor and
6 required to pay a fine of \$1,000. Upon termination of that
7 contractual employment, the person's retirement annuity or
8 retirement pension payments shall resume and, if appropriate,
9 be recalculated under the applicable provisions of this Code.

10 (i) (Blank).

11 (j) In the case of a conflict between the provisions of
12 this Section and any other provision of this Code, the
13 provisions of this Section shall control.

14 (Source: P.A. 97-609, eff. 1-1-12; 98-92, eff. 7-16-13; 98-596,
15 eff. 11-19-13; 98-622, eff. 6-1-14; revised 3-24-16.)

16 (40 ILCS 5/4-106.1) (from Ch. 108 1/2, par. 4-106.1)

17 Sec. 4-106.1. Discontinuation of fire protection district;
18 annexation to fire protection district; dissolution and
19 reestablishment of inactive firefighters' pension funds.

20 (a) Whenever a fire protection district which has
21 established a pension fund under this Article is discontinued
22 under the Fire Protection District Act ~~"An Act in Relation to~~
23 ~~Fire Protection Districts"~~, and the municipality assuming the
24 obligations of the district is required to and has established
25 a Firefighters' Pension Fund under this Article, the assets of

1 the fund established by the district shall be transferred to
2 the "Board of Trustees of the Firefighters' ~~Firefighters~~
3 Pension Fund" of the municipality. The Firefighters'
4 ~~Firefighter's~~ Pension Fund of the municipality shall assume all
5 accrued liabilities of the district's pension fund, and all
6 accrued rights, benefits and future expectancies of the
7 members, retired employees and beneficiaries of the district's
8 fund shall remain unimpaired.

9 (b) If a municipal fire department for which a pension fund
10 has been established under this Article is discontinued and the
11 affected territory is annexed by a fire protection district,
12 and the fire protection district is required to and has
13 established a firefighters' pension fund under this Article,
14 then the assets of the firefighters' pension fund established
15 by the municipality shall be transferred to the board of
16 trustees of the pension fund of the fire protection district.
17 The firefighters' pension fund of the fire protection district
18 shall assume all liabilities of the municipality's
19 firefighters' pension fund, and all of the accrued rights,
20 benefits, and future expectancies of the members, retired
21 employees, and beneficiaries of the municipality's
22 firefighters' pension fund shall remain unimpaired.

23 (c) The corporate authorities of a municipality for which a
24 pension fund has been established under this Article may, by
25 resolution or ordinance, dissolve the fund if an independent
26 auditor has certified to the authorities that the fund has no

1 liabilities, participants, or beneficiaries entitled to
2 benefits, and the authorities shall reestablish the fund if a
3 firefighter of the municipality seeks to establish service
4 credit in the fund or if reestablishment of the fund is
5 required upon a former firefighter's reinstatement of
6 creditable service under subsection (g) of Section 4-109.3 of
7 this Code.

8 The Public Pension Division of the Department of Insurance
9 shall adopt rules regarding the process and procedures for (i)
10 dissolving a pension fund under this Section and (ii)
11 redistributing assets and reestablishing the fund if
12 reestablishment of the fund is necessary.

13 (Source: P.A. 97-99, eff. 1-1-12; revised 9-2-16.)

14 (40 ILCS 5/4-121) (from Ch. 108 1/2, par. 4-121)

15 Sec. 4-121. Board created. There is created in each
16 municipality or fire protection district a board of trustees to
17 be known as the "Board of Trustees of the Firefighters' Pension
18 Fund". The membership of the board for each municipality shall
19 be, respectively, as follows: in cities, the treasurer, clerk,
20 marshal, or chief officer of the fire department, and the
21 comptroller if there is one, or if not, the mayor; in each
22 township, village or incorporated town, the president of the
23 municipality's board of trustees, the village or town clerk,
24 village or town attorney, village or town treasurer, and the
25 chief officer of the fire department; and in each fire

1 protection district, the president and other 2 members of its
2 board of trustees and the marshal or chief of its fire
3 department or service, as the case may be; and in all the
4 municipalities above designated 3 additional persons chosen
5 from their active firefighters and one other person who has
6 retired under the "Firemen's Pension Fund Act of 1919", or this
7 Article. Notwithstanding any provision of this Section to the
8 contrary, the term of office of each member of a board
9 established on or before the 3rd Monday in April, 2006 shall
10 terminate on the 3rd Monday in April, 2006, but all incumbent
11 members shall continue to exercise all of the powers and be
12 subject to all of the duties of a member of the board until all
13 the new members of the board take office.

14 Beginning on the 3rd Monday in April, 2006, the board for
15 each municipality or fire protection district shall consist of
16 5 members. Two members of the board shall be appointed by the
17 mayor or president of the board of trustees of the municipality
18 or fire protection district involved. Two members of the board
19 shall be active participants of the pension fund who are
20 elected from the active participants of the fund. One member of
21 the board shall be a person who is retired under the Firemen's
22 Pension Fund Act of 1919 or this Article who is elected from
23 persons retired under the Firemen's Pension Fund Act of 1919 or
24 this Article.

25 For the purposes of this Section, a firefighter receiving a
26 disability pension shall be considered a retired firefighter.

1 In the event that there are no retired firefighters under the
2 Fund or if none is willing to serve on the board, then an
3 additional active firefighter shall be elected to the board in
4 lieu of the retired firefighter that would otherwise be
5 elected.

6 If the regularly constituted fire department of a
7 municipality is dissolved and Section 4-106.1 is not
8 applicable, the board shall continue to exist and administer
9 the Fund so long as there continues to be any annuitant or
10 deferred pensioner in the Fund. In such cases, elections shall
11 continue to be held as specified in this Section, except that:
12 (1) deferred pensioners shall be deemed to be active members
13 for the purposes of such elections; (2) any otherwise
14 unfillable positions on the board, including ex officio
15 positions, shall be filled by election from the remaining
16 firefighters and deferred pensioners of the Fund, to the extent
17 possible; and (3) if the membership of the board falls below 3
18 persons, the Illinois Director of Insurance or his designee
19 shall be deemed a member of the board, ex officio.

20 The members chosen from the active and retired firefighters
21 shall be elected by ballot at elections to be held on the 3rd
22 Monday in April of the applicable years under the Australian
23 ballot system, at such place or places, in the municipality,
24 and under such regulations as shall be prescribed by the board.

25 No person shall cast more than one vote for each candidate
26 for whom he or she is eligible to vote. In the elections for

1 board members to be chosen from the active firefighters, all
2 active firefighters and no others may vote. In the elections
3 for board members to be chosen from retired firefighters, the
4 retired firefighters and no others may vote.

5 Each member of the board so elected shall hold office for a
6 term of 3 years and until his or her successor has been duly
7 elected and qualified.

8 The board shall canvass the ballots and declare which
9 persons have been elected and for what term or terms
10 respectively. In case of a tie vote between 2 or more
11 candidates, the board shall determine by lot which candidate or
12 candidates have been elected and for what term or terms
13 respectively. In the event of the failure, resignation, or
14 inability to act of any board member, a successor shall be
15 elected for the unexpired term at a special election called by
16 the board and conducted in the same manner as a regular
17 election.

18 The board shall elect annually from its members a president
19 and secretary.

20 Board members shall not receive or have any right to
21 receive any salary from a pension fund for services performed
22 as board members.

23 (Source: P.A. 96-1000, eff. 7-2-10; revised 9-20-16.)

24 (40 ILCS 5/8-107.2) (from Ch. 108 1/2, par. 8-107.2)

25 Sec. 8-107.2. House of Correction Employees' Pension Act.

1 "House of Correction Employees' Pension Act": "An Act to
2 provide for the setting apart, formation and disbursement of a
3 house of correction employees pension fund in cities having a
4 population exceeding 150,000 inhabitants", approved June 10,
5 1911, as amended, and as continued in, or superseded by the
6 "Illinois Pension Code", approved March 18, 1963, under Article
7 19, Division 1, Sections ~~secs.~~ 19-101 to 19-119, both
8 inclusive, as amended.

9 (Source: P.A. 81-1509; revised 9-2-16.)

10 (40 ILCS 5/8-114) (from Ch. 108 1/2, par. 8-114)

11 Sec. 8-114. Present employee. "Present employee":

12 (a) Any employee of an employer, or the board, on the day
13 before the effective date.

14 (b) Any person who becomes an employee of the Board of
15 Education on the day before the effective date and who on June
16 30, 1923, was a contributor to any municipal pension fund in
17 operation in the city on that date under the Public School
18 Employees' Pension Act of 1903. Any such employee shall be
19 considered a municipal employee during the entire time he has
20 been in the service of the employer.

21 (c) Any person who becomes an employee of the municipal
22 court or law department or Board of Election Commissioners on
23 the day before the effective date, and who on December 31,
24 1959, was a participant in either of the funds in operation in
25 the city on December 31, 1959, created under the Court and Law

1 Department Employees' Annuity Act or the Board of Election
2 Commissioners Employees' Annuity Act. Any such employee shall
3 be considered a municipal employee during the entire time he
4 has been in the service of the municipal court or law
5 department or Board of Election Commissioners.

6 (d) Any person who becomes an ~~a~~ employee of the Public
7 Library on the day before the effective date, and who on
8 December 31, 1965 was a contributor and participant in the fund
9 created under the Public Library Employees' Pension Act, in
10 operation in the city on December 31, 1965. Any such employee
11 shall be considered a municipal employee during the entire time
12 he has been in the service of the Public Library.

13 (Source: P.A. 91-357, eff. 7-29-99; revised 9-2-16.)

14 (40 ILCS 5/9-121.6) (from Ch. 108 1/2, par. 9-121.6)
15 Sec. 9-121.6. Alternative annuity for county officers.

16 (a) Any county officer elected by vote of the people may
17 elect to establish alternative credits for an alternative
18 annuity by electing in writing to make additional optional
19 contributions in accordance with this Section and procedures
20 established by the board. Such elected county officer may
21 discontinue making the additional optional contributions by
22 notifying the Fund in writing in accordance with this Section
23 and procedures established by the board.

24 Additional optional contributions for the alternative
25 annuity shall be as follows:

1 (1) For service after the option is elected, an
2 additional contribution of 3% of salary shall be
3 contributed to the Fund on the same basis and under the
4 same conditions as contributions required under Sections
5 9-170 and 9-176.

6 (2) For service before the option is elected, an
7 additional contribution of 3% of the salary for the
8 applicable period of service, plus interest at the
9 effective rate from the date of service to the date of
10 payment. All payments for past service must be paid in full
11 before credit is given. No additional optional
12 contributions may be made for any period of service for
13 which credit has been previously forfeited by acceptance of
14 a refund, unless the refund is repaid in full with interest
15 at the effective rate from the date of refund to the date
16 of repayment.

17 (b) In lieu of the retirement annuity otherwise payable
18 under this Article, any county officer elected by vote of the
19 people who (1) has elected to participate in the Fund and make
20 additional optional contributions in accordance with this
21 Section, and (2) has attained age 60 with at least 10 years of
22 service credit, or has attained age 65 with at least 8 years of
23 service credit, may elect to have his retirement annuity
24 computed as follows: 3% of the participant's salary at the time
25 of termination of service for each of the first 8 years of
26 service credit, plus 4% of such salary for each of the next 4

1 years of service credit, plus 5% of such salary for each year
2 of service credit in excess of 12 years, subject to a maximum
3 of 80% of such salary. To the extent such elected county
4 officer has made additional optional contributions with
5 respect to only a portion of his years of service credit, his
6 retirement annuity will first be determined in accordance with
7 this Section to the extent such additional optional
8 contributions were made, and then in accordance with the
9 remaining Sections of this Article to the extent of years of
10 service credit with respect to which additional optional
11 contributions were not made.

12 (c) In lieu of the disability benefits otherwise payable
13 under this Article, any county officer elected by vote of the
14 people who (1) has elected to participate in the Fund, and (2)
15 has become permanently disabled and as a consequence is unable
16 to perform the duties of his office, and (3) was making
17 optional contributions in accordance with this Section at the
18 time the disability was incurred, may elect to receive a
19 disability annuity calculated in accordance with the formula in
20 subsection (b). For the purposes of this subsection, such
21 elected county officer shall be considered permanently
22 disabled only if: (i) disability occurs while in service as an
23 elected county officer and is of such a nature as to prevent
24 him from reasonably performing the duties of his office at the
25 time; and (ii) the board has received a written certification
26 by at least 2 licensed physicians appointed by it stating that

1 such officer is disabled and that the disability is likely to
2 be permanent.

3 (d) Refunds of additional optional contributions shall be
4 made on the same basis and under the same conditions as
5 provided under Sections ~~Section~~ 9-164, 9-166, and 9-167.
6 Interest shall be credited at the effective rate on the same
7 basis and under the same conditions as for other contributions.
8 Optional contributions under this Section shall be included in
9 the amount of employee contributions used to compute the tax
10 levy under Section 9-169.

11 (e) The effective date of this plan of optional alternative
12 benefits and contributions shall be January 1, 1988, or the
13 date upon which approval is received from the U.S. Internal
14 Revenue Service, whichever is later. The plan of optional
15 alternative benefits and contributions shall not be available
16 to any former county officer or employee receiving an annuity
17 from the Fund on the effective date of the plan, unless he
18 re-enters service as an elected county officer and renders at
19 least 3 years of additional service after the date of re-entry.

20 (f) Any elected county officer who was entitled to receive
21 a stipend from the State on or after July 1, 2009 and on or
22 before June 30, 2010 may establish earnings credit for the
23 amount of stipend not received, if the elected county official
24 applies in writing to the fund within 6 months after July 2,
25 2010 (the effective date of Public Act 96-961) ~~this amendatory~~
26 ~~Act of the 96th General Assembly~~ and pays to the fund an amount

1 equal to (i) employee contributions on the amount of stipend
2 not received, (ii) employer contributions determined by the
3 Board equal to the employer's normal cost of the benefit on the
4 amount of stipend not received, plus (iii) interest on items
5 (i) and (ii) at the actuarially assumed rate.

6 (g) The plan of optional alternative benefits and
7 contributions authorized under this Section applies only to
8 county officers elected by vote of the people on or before
9 January 1, 2008 (the effective date of Public Act 95-654).

10 (Source: P.A. 95-369, eff. 8-23-07; 95-654, eff. 1-1-08;
11 95-876, eff. 8-21-08; 96-961, eff. 7-2-10; revised 9-2-16.)

12 (40 ILCS 5/11-116) (from Ch. 108 1/2, par. 11-116)

13 Sec. 11-116. Salary. "Salary": Annual salary of an employee
14 as follows:

15 (a) Beginning on the effective date and prior to July 1,
16 1947, \$3,000 shall be the maximum amount of annual salary of
17 any employee to be considered for the purposes of this Article;
18 and beginning on July 1, 1947 and prior to July 1, 1953 said
19 maximum amount shall be \$4,800; and beginning on July 1, 1953
20 and prior to July 8, 1957, said maximum amount shall be \$6,000;
21 and beginning on July 8, 1957, if appropriated, fixed or
22 arranged on an annual basis, the actual sum payable during the
23 year if the employee worked the full normal working time in his
24 position, at the rate of compensation, exclusive of overtime
25 and final vacation, appropriated or fixed as salary or wages

1 for service in the position;

2 (b) If appropriated, fixed or arranged on other than an
3 annual basis, beginning July 8, 1957, the applicable schedules
4 specified in Section 11-217 shall be used for conversion of the
5 salary to an annual basis;

6 (c) Beginning July 1, 1951, if the city provides lodging
7 for an employee without charge, his salary shall be considered
8 to be \$120 a year more than the amount payable as salary for
9 the year. The salary of an employee for whom daily meals are
10 provided by the city shall be considered to be \$120 a year more
11 for each such daily meal than the amount payable as his salary
12 for the year;~~:-~~

13 (d) Beginning September 1, 1981, the salary of a person who
14 was or is an employee of a Board of Education on or after that
15 date shall include the amount of employee contributions, if
16 any, picked up by the employer for that employee under Section
17 11-170.1.

18 (Source: P.A. 85-964; revised 9-2-16.)

19 (40 ILCS 5/11-125.5) (from Ch. 108 1/2, par. 11-125.5)

20 Sec. 11-125.5. Transfer of creditable service to Article 8,
21 91 or 13 Fund.

22 (a) Any city officer as defined in Section 8-243.2 of this
23 Code, any county officer elected by vote of the people (and
24 until March 1, 1993 any other person in accordance with Section
25 9-121.11) who is a participant in the pension fund established

1 under Article 9 of this Code, and any elected sanitary district
2 commissioner who is a participant in a pension fund established
3 under Article 13 of this Code, may apply for transfer of his
4 credits and creditable service accumulated under this Fund to
5 such Article 8, 9l or 13 fund. Such creditable service shall be
6 transferred forthwith. Payments by this Fund to the Article 8,
7 9l or 13 fund shall be made at the same time and shall consist
8 of:

9 (1) the amounts accumulated to the credit of the
10 applicant, including interest, on the books of the Fund on
11 the date of transfer, but excluding any additional or
12 optional credits, which credits shall be refunded to the
13 applicant; and

14 (2) municipality credits computed and credited under
15 this Article, including interest, on the books of the Fund
16 on the date the applicant terminated service under the
17 Fund.

18 Participation in this Fund as to any credits transferred
19 under this Section shall terminate on the date of transfer.

20 (b) Any such elected city officer, county officer,l or
21 sanitary district commissioner who has credits and creditable
22 service under the Fund may establish additional credits and
23 creditable service for periods during which he could have
24 elected to participate ~~participant~~ but did not so elect.
25 Credits and creditable service may be established by payment to
26 the Fund of an amount equal to the contributions he would have

1 made if he had elected to participate, plus interest to the
2 date of payment.

3 (c) Any such elected city officer, county officer, or
4 sanitary district commissioner may reinstate credits and
5 creditable service terminated upon receipt of a separation
6 benefit, by payment to the Fund of the amount of the separation
7 benefit plus interest thereon to the date of payment.

8 (Source: P.A. 86-1488; 87-1265; revised 9-9-16.)

9 (40 ILCS 5/18-125) (from Ch. 108 1/2, par. 18-125)

10 Sec. 18-125. Retirement annuity amount.

11 (a) The annual retirement annuity for a participant who
12 terminated service as a judge prior to July 1, 1971 shall be
13 based on the law in effect at the time of termination of
14 service.

15 (b) Except as provided in subsection (b-5), effective July
16 1, 1971, the retirement annuity for any participant in service
17 on or after such date shall be 3 1/2% of final average salary,
18 as defined in this Section, for each of the first 10 years of
19 service, and 5% of such final average salary for each year of
20 service in ~~on~~ excess of 10.

21 For purposes of this Section, final average salary for a
22 participant who first serves as a judge before August 10, 2009
23 (the effective date of Public Act 96-207) shall be:

24 (1) the average salary for the last 4 years of credited
25 service as a judge for a participant who terminates service

1 before July 1, 1975.

2 (2) for a participant who terminates service after June
3 30, 1975 and before July 1, 1982, the salary on the last
4 day of employment as a judge.

5 (3) for any participant who terminates service after
6 June 30, 1982 and before January 1, 1990, the average
7 salary for the final year of service as a judge.

8 (4) for a participant who terminates service on or
9 after January 1, 1990 but before July 14, 1995 (the
10 effective date of Public Act 89-136) ~~this amendatory Act of~~
11 ~~1995~~, the salary on the last day of employment as a judge.

12 (5) for a participant who terminates service on or
13 after July 14, 1995 (the effective date of Public Act
14 89-136) ~~this amendatory Act of 1995~~, the salary on the last
15 day of employment as a judge, or the highest salary
16 received by the participant for employment as a judge in a
17 position held by the participant for at least 4 consecutive
18 years, whichever is greater.

19 However, in the case of a participant who elects to
20 discontinue contributions as provided in subdivision (a) (2) of
21 Section 18-133, the time of such election shall be considered
22 the last day of employment in the determination of final
23 average salary under this subsection.

24 For a participant who first serves as a judge on or after
25 August 10, 2009 (the effective date of Public Act 96-207) and
26 before January 1, 2011 (the effective date of Public Act

1 96-889), final average salary shall be the average monthly
2 salary obtained by dividing the total salary of the participant
3 during the period of: (1) the 48 consecutive months of service
4 within the last 120 months of service in which the total
5 compensation was the highest, or (2) the total period of
6 service, if less than 48 months, by the number of months of
7 service in that period.

8 The maximum retirement annuity for any participant shall be
9 85% of final average salary.

10 (b-5) Notwithstanding any other provision of this Article,
11 for a participant who first serves as a judge on or after
12 January 1, 2011 (the effective date of Public Act 96-889), the
13 annual retirement annuity is 3% of the participant's final
14 average salary for each year of service. The maximum retirement
15 annuity payable shall be 60% of the participant's final average
16 salary.

17 For a participant who first serves as a judge on or after
18 January 1, 2011 (the effective date of Public Act 96-889),
19 final average salary shall be the average monthly salary
20 obtained by dividing the total salary of the judge during the
21 96 consecutive months of service within the last 120 months of
22 service in which the total salary was the highest by the number
23 of months of service in that period; however, beginning January
24 1, 2011, the annual salary may not exceed \$106,800, except that
25 that amount shall annually thereafter be increased by the
26 lesser of (i) 3% of that amount, including all previous

1 adjustments, or (ii) the annual unadjusted percentage increase
2 (but not less than zero) in the consumer price index-u for the
3 12 months ending with the September preceding each November 1.
4 "Consumer price index-u" means the index published by the
5 Bureau of Labor Statistics of the United States Department of
6 Labor that measures the average change in prices of goods and
7 services purchased by all urban consumers, United States city
8 average, all items, 1982-84 = 100. The new amount resulting
9 from each annual adjustment shall be determined by the Public
10 Pension Division of the Department of Insurance and made
11 available to the Board by November 1st of each year.

12 (c) The retirement annuity for a participant who retires
13 prior to age 60 with less than 28 years of service in the
14 System shall be reduced 1/2 of 1% for each month that the
15 participant's age is under 60 years at the time the annuity
16 commences. However, for a participant who retires on or after
17 December 10, 1999 (the effective date of Public Act 91-653)
18 ~~this amendatory Act of the 91st General Assembly~~, the
19 percentage reduction in retirement annuity imposed under this
20 subsection shall be reduced by 5/12 of 1% for every month of
21 service in this System in excess of 20 years, and therefore a
22 participant with at least 26 years of service in this System
23 may retire at age 55 without any reduction in annuity.

24 The reduction in retirement annuity imposed by this
25 subsection shall not apply in the case of retirement on account
26 of disability.

1 (d) Notwithstanding any other provision of this Article,
2 for a participant who first serves as a judge on or after
3 January 1, 2011 (the effective date of Public Act 96-889) and
4 who is retiring after attaining age 62, the retirement annuity
5 shall be reduced by 1/2 of 1% for each month that the
6 participant's age is under age 67 at the time the annuity
7 commences.

8 (Source: P.A. 96-207, eff. 8-10-09; 96-889, eff. 1-1-11;
9 96-1000, eff. 7-2-10; 96-1490, eff. 1-1-11; revised 9-9-16.)

10 (40 ILCS 5/22A-111) (from Ch. 108 1/2, par. 22A-111)

11 Sec. 22A-111. The Board shall manage the investments of any
12 pension fund, retirement system, or education fund for the
13 purpose of obtaining a total return on investments for the long
14 term. It also shall perform such other functions as may be
15 assigned or directed by the General Assembly.

16 The authority of the board to manage pension fund
17 investments and the liability shall begin when there has been a
18 physical transfer of the pension fund investments to the board
19 and placed in the custody of the board's custodian.

20 The authority of the board to manage monies from the
21 education fund for investment and the liability of the board
22 shall begin when there has been a physical transfer of
23 education fund investments to the board and placed in the
24 custody of the board's custodian.

25 The board may not delegate its management functions, but it

1 may, but is not required to, arrange to compensate for
2 personalized investment advisory service for any or all
3 investments under its control with any national or state bank
4 or trust company authorized to do a trust business and
5 domiciled in Illinois, other financial institution organized
6 under the laws of Illinois, or an investment advisor who is
7 qualified under the Federal Investment Advisers ~~Advisors~~ Act of
8 1940 and is registered under the Illinois Securities Law of
9 1953. Nothing contained herein shall prevent the Board from
10 subscribing to general investment research services available
11 for purchase or use by others. The Board shall also have the
12 authority to compensate for accounting services.

13 This Section shall not be construed to prohibit the
14 Illinois State Board of Investment from directly investing
15 pension assets in public market investments, private
16 investments, real estate investments, or other investments
17 authorized by this Code.

18 (Source: P.A. 99-708, eff. 7-29-16; revised 10-27-16.)

19 Section 245. The Public Building Commission Act is amended
20 by changing Section 20.5 as follows:

21 (50 ILCS 20/20.5)

22 (Section scheduled to be repealed on June 1, 2018)

23 Sec. 20.5. Procedures for design-build selection.

24 (a) The Commission must use a two-phase procedure for the

1 selection of the successful design-build entity. Phase I of the
2 procedure will evaluate and shortlist the design-build
3 entities based on qualifications, and Phase II will evaluate
4 the technical and cost proposals.

5 (b) The Commission shall include in the request for
6 proposal the evaluating factors to be used in Phase I. These
7 factors are in addition to any prequalification requirements of
8 design-build entities that the Commission has set forth. Each
9 request for proposal shall establish the relative importance
10 assigned to each evaluation factor and subfactor, including any
11 weighting of criteria to be employed by the Commission. The
12 Commission must maintain a record of the evaluation scoring to
13 be disclosed in event of a protest regarding the solicitation.

14 The Commission shall include the following criteria in
15 every Phase I evaluation of design-build entities: (1)
16 experience of personnel; (2) successful experience with
17 similar project types; (3) financial capability; (4)
18 timeliness of past performance; (5) experience with similarly
19 sized projects; (6) successful reference checks of the firm;
20 (7) commitment to assign personnel for the duration of the
21 project and qualifications of the entity's consultants; and (8)
22 ability or past performance in meeting or exhausting good faith
23 efforts to meet the utilization goals for minority and women
24 business enterprises established by the corporate authorities
25 of the Commission and in complying with Section 2-105 of the
26 Illinois Human Rights Act. The Commission may include any

1 additional relevant criteria in Phase I that it deems necessary
2 for a proper qualification review. ~~The Commission may include~~
3 ~~any additional relevant criteria in Phase I that it deems~~
4 ~~necessary for a proper qualification review.~~

5 The Commission may not consider any design-build entity for
6 evaluation or award if the entity has any pecuniary interest in
7 the project or has other relationships or circumstances,
8 including but not limited to, long-term leasehold, mutual
9 performance, or development contracts with the Commission,
10 that may give the design-build entity a financial or tangible
11 advantage over other design-build entities in the preparation,
12 evaluation, or performance of the design-build contract or that
13 create the appearance of impropriety. No design-build proposal
14 shall be considered that does not include an entity's plan to
15 comply with the requirements established in the minority and
16 women business enterprises and economically disadvantaged
17 firms established by the corporate authorities of the
18 Commission and with Section 2-105 of the Illinois Human Rights
19 Act.

20 Upon completion of the qualifications evaluation, the
21 Commission shall create a shortlist of the most highly
22 qualified design-build entities. The Commission, in its
23 discretion, is not required to shortlist the maximum number of
24 entities as identified for Phase II evaluation, provided
25 however, no less than 2 design-build entities nor more than 6
26 are selected to submit Phase II proposals.

1 The Commission shall notify the entities selected for the
2 shortlist in writing. This notification shall commence the
3 period for the preparation of the Phase II technical and cost
4 evaluations. The Commission must allow sufficient time for the
5 shortlist entities to prepare their Phase II submittals
6 considering the scope and detail requested by the Commission.

7 (c) The Commission shall include in the request for
8 proposal the evaluating factors to be used in the technical and
9 cost submission components of Phase II. Each request for
10 proposal shall establish, for both the technical and cost
11 submission components of Phase II, the relative importance
12 assigned to each evaluation factor and subfactor, including any
13 weighting of criteria to be employed by the Commission. The
14 Commission must maintain a record of the evaluation scoring to
15 be disclosed in event of a protest regarding the solicitation.

16 The Commission shall include the following criteria in
17 every Phase II technical evaluation of design-build entities:
18 (1) compliance with objectives of the project; (2) compliance
19 of proposed services to the request for proposal requirements;
20 (3) quality of products or materials proposed; (4) quality of
21 design parameters; (5) design concepts; (6) innovation in
22 meeting the scope and performance criteria; and (7)
23 constructability of the proposed project. The Commission may
24 include any additional relevant technical evaluation factors
25 it deems necessary for proper selection.

26 The Commission shall include the following criteria in

1 every Phase II cost evaluation: the guaranteed maximum project
2 cost and the time of completion. The Commission may include any
3 additional relevant technical evaluation factors it deems
4 necessary for proper selection. The guaranteed maximum project
5 cost criteria weighing factor shall not exceed 30%.

6 The Commission shall directly employ or retain a licensed
7 design professional to evaluate the technical and cost
8 submissions to determine if the technical submissions are in
9 accordance with generally accepted industry standards.

10 Upon completion of the technical submissions and cost
11 submissions evaluation, the Commission may award the
12 design-build contract to the highest overall ranked entity.

13 (d) This Section is repealed on June 1, 2018; provided that
14 any design-build contracts entered into before such date or any
15 procurement of a project under this Act commenced before such
16 date, and the contracts resulting from those procurements,
17 shall remain effective.

18 (Source: P.A. 98-299, eff. 8-9-13; reenacted by P.A. 98-619,
19 eff. 1-7-14; revised 9-20-16.)

20 Section 250. The Public Officer Prohibited Activities Act
21 is amended by changing Section 3 as follows:

22 (50 ILCS 105/3) (from Ch. 102, par. 3)

23 Sec. 3. Prohibited interest in contracts.

24 (a) No person holding any office, either by election or

1 appointment under the laws or Constitution of this State, may
2 be in any manner financially interested directly in his own
3 name or indirectly in the name of any other person,
4 association, trust, or corporation, in any contract or the
5 performance of any work in the making or letting of which such
6 officer may be called upon to act or vote. No such officer may
7 represent, either as agent or otherwise, any person,
8 association, trust, or corporation, with respect to any
9 application or bid for any contract or work in regard to which
10 such officer may be called upon to vote. Nor may any such
11 officer take or receive, or offer to take or receive, either
12 directly or indirectly, any money or other thing of value as a
13 gift or bribe or means of influencing his vote or action in his
14 official character. Any contract made and procured in violation
15 hereof is void. This Section shall not apply to any person
16 serving on an advisory panel or commission, to any director
17 serving on a hospital district board as provided under
18 subsection (a-5) of Section 13 of the Hospital District Law, or
19 to any person serving as both a contractual employee and as a
20 member of a public hospital board as provided under Article 11
21 of the Illinois Municipal Code in a municipality with a
22 population between 13,000 and 16,000 that is located in a
23 county with a population between 50,000 and 70,000.

24 (b) However, any elected or appointed member of the
25 governing body may provide materials, merchandise, property,
26 services, or labor, subject to the following provisions under

1 either paragraph (1) or (2):

2 (1) If:

3 A. the contract is with a person, firm,
4 partnership, association, corporation, or cooperative
5 association in which such interested member of the
6 governing body of the municipality has less than a 7
7 1/2% share in the ownership; and

8 B. such interested member publicly discloses the
9 nature and extent of his interest prior to or during
10 deliberations concerning the proposed award of the
11 contract; and

12 C. such interested member abstains from voting on
13 the award of the contract, though he shall be
14 considered present for the purposes of establishing a
15 quorum; and

16 D. such contract is approved by a majority vote of
17 those members presently holding office; and

18 E. the contract is awarded after sealed bids to the
19 lowest responsible bidder if the amount of the contract
20 exceeds \$1500, or awarded without bidding if the amount
21 of the contract is less than \$1500; and

22 F. the award of the contract would not cause the
23 aggregate amount of all such contracts so awarded to
24 the same person, firm, association, partnership,
25 corporation, or cooperative association in the same
26 fiscal year to exceed \$25,000.

1 (2) If:

2 A. the award of the contract is approved by a
3 majority vote of the governing body of the municipality
4 provided that any such interested member shall abstain
5 from voting; and

6 B. the amount of the contract does not exceed
7 \$2,000; and

8 C. the award of the contract would not cause the
9 aggregate amount of all such contracts so awarded to
10 the same person, firm, association, partnership,
11 corporation, or cooperative association in the same
12 fiscal year to exceed \$4,000; and

13 D. such interested member publicly discloses the
14 nature and extent of his interest prior to or during
15 deliberations concerning the proposed award of the
16 contract; and

17 E. such interested member abstains from voting on
18 the award of the contract, though he shall be
19 considered present for the purposes of establishing a
20 quorum.

21 (b-5) In addition to the above exemptions, any elected or
22 appointed member of the governing body may provide materials,
23 merchandise, property, services, or labor if:

24 A. the contract is with a person, firm, partnership,
25 association, corporation, or cooperative association in
26 which the interested member of the governing body of the

1 municipality, advisory panel, or commission has less than a
2 1% share in the ownership; and

3 B. the award of the contract is approved by a majority
4 vote of the governing body of the municipality provided
5 that any such interested member shall abstain from voting;
6 and

7 C. such interested member publicly discloses the
8 nature and extent of his interest before or during
9 deliberations concerning the proposed award of the
10 contract; and

11 D. such interested member abstains from voting on the
12 award of the contract, though he shall be considered
13 present for the purposes of establishing a quorum.

14 (c) A contract for the procurement of public utility
15 services by a public entity with a public utility company is
16 not barred by this Section by one or more members of the
17 governing body of the public entity being an officer or
18 employee of the public utility company or holding an ownership
19 interest of no more than 7 1/2% in the public utility company,
20 or holding an ownership interest of any size if the public
21 entity is a municipality with a population of less than 7,500
22 and the public utility's rates are approved by the Illinois
23 Commerce Commission. An elected or appointed member of the
24 governing body of the public entity having such an interest
25 shall be deemed not to have a prohibited interest under this
26 Section.

1 (d) Notwithstanding any other provision of this Section or
2 any other law to the contrary, until January 1, 1994, a member
3 of the city council of a municipality with a population under
4 20,000 may purchase real estate from the municipality, at a
5 price of not less than 100% of the value of the real estate as
6 determined by a written MAI certified appraisal or by a written
7 certified appraisal of a State certified or licensed real
8 estate appraiser, if the purchase is approved by a unanimous
9 vote of the city council members then holding office (except
10 for the member desiring to purchase the real estate, who shall
11 not vote on the question).

12 (e) For the purposes of this Section only, a municipal
13 officer shall not be deemed interested if the officer is an
14 employee of a company or owns or holds an interest of 1% or
15 less in the municipal officer's individual name in a company,
16 or both, that company is involved in the transaction of
17 business with the municipality, and that company's stock is
18 traded on a nationally recognized securities market, provided
19 the interested member: (i) publicly discloses the fact that he
20 or she is an employee or holds an interest of 1% or less in a
21 company before deliberation of the proposed award of the
22 contract; (ii) refrains from evaluating, recommending,
23 approving, deliberating, or otherwise participating in
24 negotiation, approval, or both, of the contract, work, or
25 business; (iii) abstains from voting on the award of the
26 contract though he or she shall be considered present for

1 purposes of establishing a quorum; and (iv) the contract is
2 approved by a majority vote of those members currently holding
3 office.

4 A municipal officer shall not be deemed interested if the
5 officer owns or holds an interest of 1% or less, not in the
6 officer's individual name but through a mutual fund or
7 exchange-traded fund, in a company, that company is involved in
8 the transaction of business with the municipality, and that
9 company's stock is traded on a nationally recognized securities
10 market.

11 (f) Under either of the following circumstances, a
12 municipal or county officer may hold a position on the board of
13 a not-for-profit corporation that is interested in a contract,
14 work, or business of the municipality or county:

15 (1) If the municipal or county officer is appointed by
16 the governing body of the municipality or county to
17 represent the interests of the municipality or county on a
18 not-for-profit corporation's board, then the municipal or
19 county officer may actively vote on matters involving
20 either that board or the municipality or county, at any
21 time, so long as the membership on the not-for-profit board
22 is not a paid position, except that the municipal or county
23 officer may be reimbursed by the not-for-profit
24 ~~non-for-profit~~ board for expenses incurred as the result of
25 membership on the not-for-profit ~~non-for-profit~~ board.

26 (2) If the municipal or county officer is not appointed

1 to the governing body of a not-for-profit corporation by
2 the governing body of the municipality or county, then the
3 municipal or county officer may continue to serve; however,
4 the municipal or county officer shall abstain from voting
5 on any proposition before the municipal or county governing
6 body directly involving the not-for-profit corporation
7 and, for those matters, shall not be counted as present for
8 the purposes of a quorum of the municipal or county
9 governing body.

10 (Source: P.A. 97-520, eff. 8-23-11; 98-1083, eff. 1-1-15;
11 revised 9-22-16.)

12 Section 255. The Local Government Travel Expense Control
13 Act is amended by changing Sections 10 and 15 as follows:

14 (50 ILCS 150/10)

15 Sec. 10. Regulation of travel expenses. All local public
16 agencies shall, by resolution or ordinance, regulate the
17 reimbursement of all travel, meal, and lodging expenses of
18 officers and employees, including, but not limited to: (1) the
19 types of official business for which travel, meal, and lodging
20 expenses are allowed; (2) maximum allowable reimbursement for
21 travel, meal, and lodging expenses; and (3) a standardized form
22 for submission of travel, meal, and lodging expenses supported
23 by the minimum documentation required under Section 20 of this
24 Act. The regulations may allow for approval of expenses that

1 exceed the maximum allowable travel, meal, or lodging expenses
2 because of emergency or other extraordinary circumstances. On
3 and after 180 days after January 1, 2017 (the effective date of
4 this Act) ~~of the 99th General Assembly~~, no travel, meal, or
5 lodging expense shall be approved or paid by a local public
6 agency unless regulations have been adopted under this Section.
7 (Source: P.A. 99-604, eff. 1-1-17; revised 10-31-16.)

8 (50 ILCS 150/15)

9 Sec. 15. Approval of expenses. On or after 60 days after
10 January 1, 2017 (the effective date of this Act) ~~of the 99th~~
11 ~~General Assembly~~, expenses for travel, meals, and lodging of:
12 (1) any officer or employee that exceeds the maximum allowed
13 under the regulations adopted under Section 10 of this Act; or
14 (2) any member of the governing board or corporate authorities
15 of the local public agency, may only be approved by roll call
16 vote at an open meeting of the governing board or corporate
17 authorities of the local public agency.
18 (Source: P.A. 99-604, eff. 1-1-17; revised 10-31-16.)

19 Section 260. The Local Records Act is amended by changing
20 Section 6 as follows:

21 (50 ILCS 205/6) (from Ch. 116, par. 43.106)

22 Sec. 6. For those agencies comprising counties of 3,000,000
23 or more inhabitants or located in or coterminous ~~co-terminous~~

1 with any such county or a majority of whose inhabitants reside
2 in any such county, this Act shall be administered by a Local
3 Records Commission consisting of the president of the county
4 board of the county wherein the records are kept, the mayor of
5 the most populous city in such county, the State's attorney of
6 such county, the County comptroller, the State archivist, and
7 the State historian. The president of the county board shall be
8 the chairman of the Commission.

9 For all other agencies, this Act shall be administered by a
10 Local Records Commission consisting of a chairman of a county
11 board, who shall be chairman of the Commission, a mayor or
12 president of a city, village or incorporated town, a county
13 auditor, and a State's attorney, all of whom shall be appointed
14 by the Governor, the State archivist, and the State historian.

15 A member of either Commission may designate a substitute.

16 Either Commission may employ such technical, professional
17 and clerical assistants as are necessary.

18 Either Commission shall meet upon call of its chairman.

19 (Source: Laws 1961, p. 3503; revised 9-20-16.)

20 Section 265. The Illinois Police Training Act is amended by
21 setting forth, renumbering, and changing multiple versions of
22 Section 10.19 as follows:

23 (50 ILCS 705/10.19)

24 Sec. 10.19. Training; administration of epinephrine.

1 (a) This Section, along with Section 40 of the State Police
2 Act, may be referred to as the Annie LeGere Law.

3 (b) For purposes of this Section, "epinephrine
4 auto-injector" means a single-use device used for the automatic
5 injection of a pre-measured dose of epinephrine into the human
6 body prescribed in the name of a local governmental agency.

7 (c) The Board shall conduct or approve an optional advanced
8 training program for police officers to recognize and respond
9 to anaphylaxis, including the administration of an epinephrine
10 auto-injector. The training must include, but is not limited
11 to:

12 (1) how to recognize symptoms of an allergic reaction;

13 (2) how to respond to an emergency involving an
14 allergic reaction;

15 (3) how to administer an epinephrine auto-injector;

16 (4) how to respond to an individual with a known
17 allergy as well as an individual with a previously unknown
18 allergy;

19 (5) a test demonstrating competency of the knowledge
20 required to recognize anaphylaxis and administer an
21 epinephrine auto-injector; and

22 (6) other criteria as determined in rules adopted by
23 the Board.

24 (d) A local governmental agency may authorize a police
25 officer who has completed an optional advanced training program
26 under subsection (c) to carry, administer, or assist with the

1 administration of epinephrine auto-injectors provided by the
2 local governmental agency whenever he or she is performing
3 official duties.

4 (e) A local governmental agency that authorizes its
5 officers to carry and administer epinephrine auto-injectors
6 under subsection (d) must establish a policy to control the
7 acquisition, storage, transportation, administration, and
8 disposal of epinephrine auto-injectors and to provide
9 continued training in the administration of epinephrine
10 auto-injectors.

11 (f) A physician, physician's assistant with prescriptive
12 authority, or advanced practice registered nurse with
13 prescriptive authority may provide a standing protocol or
14 prescription for epinephrine auto-injectors in the name of a
15 local governmental agency to be maintained for use when
16 necessary.

17 (g) When a police officer administers an epinephrine
18 auto-injector in good faith, the police officer and local
19 governmental agency, and its employees and agents, incur no
20 liability, except for willful and wanton conduct, as a result
21 of any injury or death arising from the use of an epinephrine
22 auto-injector.

23 (Source: P.A. 99-711, eff. 1-1-17.)

24 (50 ILCS 705/10.20)

25 Sec. 10.20 ~~10.19~~. Disposal of medications. The Board shall

1 develop rules and minimum standards for local governmental
2 agencies that authorize police officers to dispose of unused
3 medications under Section 18 of the Safe Pharmaceutical
4 Disposal Act.

5 (Source: P.A. 99-648, eff. 1-1-17; revised 10-21-16.)

6 (50 ILCS 705/10.21)

7 Sec. 10.21 ~~10.19~~. Training; sexual assault and sexual
8 abuse.

9 (a) The Illinois Law Enforcement Training Standards Board
10 shall conduct or approve training programs in trauma-informed
11 responses and investigations of sexual assault and sexual
12 abuse, which include, but is not limited to, the following:

13 (1) recognizing the symptoms of trauma;

14 (2) understanding the role trauma has played in a
15 victim's life;

16 (3) responding to the needs and concerns of a victim;

17 (4) delivering services in a compassionate, sensitive,
18 and nonjudgmental manner;

19 (5) interviewing techniques in accordance with the
20 curriculum standards in subsection (f) of this Section;

21 (6) understanding cultural perceptions and common
22 myths of sexual assault and sexual abuse; and

23 (7) report writing techniques in accordance with the
24 curriculum standards in subsection (f) of this Section.

25 (b) This training must be presented in all full and

1 part-time basic law enforcement academies on or before July 1,
2 2018.

3 (c) Agencies employing law enforcement officers must
4 present this training to all law enforcement officers within 3
5 years after January 1, 2017 (the effective date of Public Act
6 99-801) ~~this amendatory Act of the 99th General Assembly~~ and
7 must present in-service training on sexual assault and sexual
8 abuse response and report writing training requirements every 3
9 years.

10 (d) Agencies employing law enforcement officers who
11 conduct sexual assault and sexual abuse investigations must
12 provide specialized training to these officers on sexual
13 assault and sexual abuse investigations within 2 years after
14 January 1, 2017 (the effective date of Public Act 99-801) ~~this~~
15 ~~amendatory Act of the 99th General Assembly~~ and must present
16 in-service training on sexual assault and sexual abuse
17 investigations to these officers every 3 years.

18 (e) Instructors providing this training shall have
19 successfully completed training on evidence-based,
20 trauma-informed, victim-centered response to cases of sexual
21 assault and sexual abuse and have experience responding to
22 sexual assault and sexual abuse cases.

23 (f) The Board shall adopt rules, in consultation with the
24 Office of the Illinois Attorney General and the Department of
25 State Police, to determine the specific training requirements
26 for these courses, including, but not limited to, the

1 following:

2 (1) evidence-based curriculum standards for report
3 writing and immediate response to sexual assault and sexual
4 abuse, including trauma-informed, victim-centered
5 interview techniques, which have been demonstrated to
6 minimize retraumatization, for probationary police
7 officers and all law enforcement officers; and

8 (2) evidence-based curriculum standards for
9 trauma-informed, victim-centered investigation and
10 interviewing techniques, which have been demonstrated to
11 minimize retraumatization, for cases of sexual assault and
12 sexual abuse for law enforcement officers who conduct
13 sexual assault and sexual abuse investigations.

14 (Source: P.A. 99-801, eff. 1-1-17; revised 10-21-16.)

15 Section 270. The Regional Fire Protection Agency Act is
16 amended by changing Section 25 as follows:

17 (50 ILCS 741/25)

18 Sec. 25. Creation of an Agency by petition and referendum.

19 (a) Petition. A Regional Fire Protection Agency may
20 exclusively be formed upon petition signed by the lesser of:

21 (i) at least 8% of the total votes cast for candidates for
22 Governor in the preceding gubernatorial election in each of the
23 units of local government ~~governments~~ included in the Regional
24 Fire Protection Agency; or (ii) at least 500 legal voters in

1 each of the units of local government to be included in the
2 Regional Fire Protection Agency. The petition shall be filed in
3 the circuit court of the county in which the greater part of
4 the land of the proposed Regional Fire Protection Agency shall
5 be situated. The petition shall set forth the names of the
6 units of local government proposed to be included, the name of
7 the proposed Regional Fire Protection Agency, the benefits of
8 consolidating the units of local government within a Regional
9 Fire Protection Agency, the names of the representatives of the
10 petitioners from each unit of local government who shall be
11 authorized to serve on the Joint Committee, and up to 3
12 alternate representatives from each unit of local government in
13 the event a designated representative ceases to be an elector
14 of their jurisdiction or resigns from the Joint Committee. Upon
15 its filing, the petition shall be presented to the court, and
16 the court shall fix the date and hour for a hearing.

17 (b) Notice of Hearing. Upon the filing of the petition, the
18 court shall set a hearing date that is at least 4 weeks, but
19 not more than 8 weeks, after the date the petition is filed.
20 The court, clerk, petitioner's counsel, or sheriff shall, upon
21 order of the court, give notice 21 days before the hearing in
22 one or more daily or weekly newspapers of general circulation
23 in each county where an affected unit of local government is
24 organized. The notice must describe the units of local
25 government to be included and shall state that if the
26 conditions required by this Section are met, then the

1 proposition for the creation of the Agency shall be submitted
2 to the voters of the units of local government in the proposed
3 Agency by order of the court.

4 (c) Hearing and referendum. At the hearing, the court shall
5 first determine whether the petition is supported by the
6 required number of valid signatures of legal voters within the
7 contiguous units of local government. If the petition is
8 proper, then the court shall remand the matter to a Special
9 Mediator who shall mediate the negotiations regarding the terms
10 of an intergovernmental agreement by the members of the Joint
11 Committee as provided in subsection (d) of this Section. The
12 Special Mediator shall be a member of the bar of the State of
13 Illinois or a member of the faculty of an accredited law
14 school. The Special Mediator shall have practiced law for at
15 least 7 years and be knowledgeable about municipal, labor,
16 employment, and election law. The Special Mediator shall be
17 free of any conflicts of interest. The Special Mediator shall
18 have strong mediation skills and the temperament and training
19 to listen well, facilitate communication, and assist with
20 negotiations. Special Mediators shall have sufficient
21 experience and familiarity with municipal, labor, employment,
22 and election law to provide a credible evaluation and
23 assessment of relative positions. The Special Mediator
24 assigned to mediate the Joint Committee's negotiations shall be
25 selected by the members of the Joint Committee from a panel of
26 7 individuals provided by the Joint Labor Management Committee,

1 as it is defined in Section 50 of the Fire Department Promotion
2 Act. The panel shall be randomly selected by the Joint Labor
3 Management Committee from a master list maintained by the Joint
4 Labor Management Committee consisting of at least 14 qualified
5 Special Mediators. If the members fail to agree, the court
6 shall appoint the Special Mediator. The Joint Committee may
7 elect to conduct negotiations without the assistance of the
8 Special Mediator upon a majority vote of the Joint Committee.
9 To certify a question for referendum, the court must find that:
10 (i) based upon a preponderance of the evidence, at least 2 of
11 the 3 Joint Committee representatives appointed by the court
12 for each unit of local government included in the proposed
13 Agency have executed an intergovernmental agreement that
14 includes terms that are in compliance with the requirements
15 under subsection (d) of this Section; (ii) the terms of an
16 agreed-upon intergovernmental agreement have been approved by
17 the requisite governing bodies of each of the units of local
18 government; and (iii) should the terms of an agreed-upon
19 intergovernmental agreement change the terms of the collective
20 bargaining agreement for a bargaining unit of employees of any
21 local unit of government of the proposed Regional Fire
22 Protection Agency, any affected collective bargaining units
23 must also approve all such changes in the terms of the
24 collective bargaining agreement.

25 (d) Joint Committee. The court shall allow appointments to
26 the Joint Committee as follows:

1 (1) A representative of each unit of local government
2 included within the proposed service area of the proposed
3 Agency.

4 (2) A representative of each collective bargaining
5 unit that is a party to a collective bargaining agreement
6 with a unit of local government to provide fire suppression
7 or emergency medical services, or both, included within the
8 proposed Agency.

9 (3) A representative for the petitioners from each unit
10 of local government included within the proposed Agency, as
11 designated by the petition, or, if none are designated or
12 willing to serve, then chosen by the court from among the
13 legal voters that signed the petition.

14 (e) Joint Committee Negotiations. After remand, the
15 Special Mediator shall schedule a meeting of the Joint
16 Committee and facilitate the members in negotiating the terms
17 of an intergovernmental agreement. The first order of business
18 shall be to establish a financial baseline for the current
19 costs of fire and emergency medical services provided by the
20 units of local government party to the Joint Committee. To this
21 end, each unit of local government party to the Joint Committee
22 shall disclose to the Joint Committee the total aggregate
23 expenditures it allocates for providing all fire, rescue, and
24 emergency medical services. These expenditures shall include,
25 but are not limited to, the following cost factors: (i) all
26 expenses from the corporate fund and other operational funds

1 related to fire protection services, whether direct or
2 indirect, for the current fiscal year; and (ii) all costs,
3 whether direct or indirect, paid from other funds, including,
4 but not limited to, capital or building funds, pension funds,
5 workers' compensation funds, health insurance funds,
6 enterprise funds, administrative funds, and all other funds
7 from which money is, or may be, paid or transferred to pay for
8 the administration and compensation or benefits for employees
9 or persons assigned to provide fire or emergency medical
10 services or related services, equipment, and buildings and
11 their maintenance or operation and debt service for any
12 expenditures related to these or related cost factors.

13 The Special Mediator or the court, or both if necessary,
14 shall facilitate the computation and production of this
15 financial baseline unless the Joint Committee elects to conduct
16 negotiations without the assistance of the Special Mediator.
17 The financial baseline shall serve as the predicate to: (i) the
18 annual contributions to be made by each unit of local
19 government to the costs of providing fire and emergency medical
20 services to the service area established for the proposed
21 Regional Fire Protection Agency; and (ii) for the court's
22 findings pursuant to subsection (f) of this Section.

23 The Joint Committee may take note or give due consideration
24 to available resources, studies, and plans that may facilitate
25 the resolution of issues relating to the terms of an agreement.
26 Negotiations may continue for a period of 90 days or, if the

1 court determines that additional time will facilitate
2 agreement, longer.

3 If no agreement is reached, the court shall dismiss the
4 petition. If an agreement is reached, the court shall schedule
5 an evidentiary hearing with notice to determine if the terms of
6 the agreement are in compliance with the requirements of
7 subsection (f) of this Section. The expenses of the Special
8 Mediator shall be apportioned equally among the included units
9 of local government unless the parties agree otherwise in the
10 intergovernmental agreement.

11 If the intergovernmental agreement has been approved by the
12 governing bodies of at least 2 units of local government
13 included in the original petition, then the petition may
14 proceed, provided that the agreement is also executed by at
15 least 2 of 3 Joint Committee representatives from each affected
16 unit of local government included in the original petition. The
17 units of local government that did not consent to inclusion
18 shall be dismissed, and an amended petition on behalf of the
19 consenting units of local government shall be scheduled for an
20 evidentiary hearing.

21 The persons or entities, or their duly authorized
22 representatives, that shall have standing to present evidence
23 at the hearing are the petitioners, the units of local
24 government that sought to be included in the proposed Agency,
25 and the representatives of each collective bargaining unit that
26 is a party to a collective bargaining agreement with a fire

1 protection jurisdiction within a unit of local government
2 included within the proposed Agency.

3 If the court finds, by a preponderance of the evidence,
4 that the petition is supported by a proper intergovernmental
5 agreement, the court shall enter an order certifying the
6 proposition to the proper election officials, who shall submit
7 the question of the creation of the proposed Agency to the
8 legal voters of each included unit of local government at the
9 next election. Notice of the election shall be given and the
10 election conducted in the manner provided by the general
11 election law. The notice shall state the boundaries of the
12 proposed Agency.

13 The question shall be submitted in substantially the
14 following form:

15 Shall the service areas of (names of existing units of
16 local government to be combined) be combined to create the
17 (name of the Regional Fire Protection Agency)?

18 Responses shall be recorded as "Yes" or "No".

19 A written statement of the election results shall be filed
20 with the court. If, in each unit of local government included
21 within the boundaries of the Regional Fire Protection Agency, a
22 majority of the voters voting on the question favor the
23 proposition, then the court shall issue an order stating that
24 the Agency has been approved.

25 (f) Intergovernmental agreement; minimum standards of
26 service. The terms of the intergovernmental agreement shall

1 ensure that all of the following standards of service are met:

2 (1) The formation of the Agency shall result in no net
3 increase in the cost of fire protection services and
4 emergency medical services to the units of local government
5 in the proposed Agency due to the reduction or elimination
6 of duplicative administrative costs, operational costs,
7 equipment costs, or capital expenditures unless members of
8 the Joint Committee can demonstrate that an increase in the
9 cost to a participating unit of local government is
10 justified by a corresponding increase in the level of
11 services provided under the terms of the intergovernmental
12 agreement.

13 (2) The formation of the Agency shall not increase the
14 average response times in any included unit of local
15 government.

16 (3) Agencies shall have no independent ability to levy
17 taxes and shall rely on the fiscal support and
18 contributions from component fire protection
19 jurisdictions, as required under the terms of the
20 intergovernmental agreement.

21 (Source: P.A. 98-1095, eff. 8-26-14; revised 9-20-16.)

22 Section 275. The Counties Code is amended by changing
23 Sections 3-6012.1, 4-2002.1, 4-11001.5, 5-25013, and 5-43035
24 as follows:

1 (55 ILCS 5/3-6012.1)

2 Sec. 3-6012.1. Court security officers. The sheriff of any
3 county in Illinois with less than 3,000,000 inhabitants may
4 hire court security officers in such number as the county board
5 shall from time to time deem necessary. Court security officers
6 may be designated by the Sheriff to attend courts and perform
7 the functions set forth in Section 3-6023. Court security
8 officers shall have the authority to arrest; however, such
9 arrest powers shall be limited to performance of their official
10 duties as court security officers. Court security officers may
11 carry weapons, upon which they have been trained and qualified
12 as permitted by law, at their place of employment and to and
13 from their place of employment with the consent of the Sheriff.
14 The court security officers shall be sworn officers of the
15 Sheriff and shall be primarily responsible for the security of
16 the courthouse and its courtrooms. The court security officers
17 shall be under the sole control of the sheriff of the county in
18 which they are hired. No court security officer shall be
19 subject to the jurisdiction of a Sheriff's Merit Commission
20 unless the officer was hired through the Sheriff's Merit
21 Commission's certified applicant process under Section 3-8010
22 of the Counties Code. They are not regular appointed deputies
23 under Section 3-6008. The position of court security officer
24 shall not be considered a rank when seeking initial appointment
25 as deputy sheriff under Section 3-8011.

26 Every court security officer hired on or after June 1, 1997

1 (the effective date of Public Act 89-685) ~~this amendatory Act~~
2 ~~of 1996~~ shall serve a probationary period of 12 months during
3 which time they may be discharged at the will of the Sheriff.

4 (Source: P.A. 99-10, eff. 1-1-16; revised 9-20-16.)

5 (55 ILCS 5/4-2002.1) (from Ch. 34, par. 4-2002.1)

6 Sec. 4-2002.1. State's attorney fees in counties of
7 3,000,000 or more population. This Section applies only to
8 counties with 3,000,000 or more inhabitants.

9 (a) State's attorneys shall be entitled to the following
10 fees:

11 For each conviction in prosecutions on indictments for
12 first degree murder, second degree murder, involuntary
13 manslaughter, criminal sexual assault, aggravated criminal
14 sexual assault, aggravated criminal sexual abuse, kidnapping,
15 arson and forgery, \$60. All other cases punishable by
16 imprisonment in the penitentiary, \$60.

17 For each conviction in other cases tried before judges of
18 the circuit court, \$30; except that if the conviction is in a
19 case which may be assigned to an associate judge, whether or
20 not it is in fact assigned to an associate judge, the fee shall
21 be \$20.

22 For preliminary examinations for each defendant held to
23 bail or recognizance, \$20.

24 For each examination of a party bound over to keep the
25 peace, \$20.

1 For each defendant held to answer in a circuit court on a
2 charge of paternity, \$20.

3 For each trial on a charge of paternity, \$60.

4 For each case of appeal taken from his county or from the
5 county to which a change of venue is taken to his county to the
6 Supreme or Appellate Court when prosecuted or defended by him,
7 \$100.

8 For each day actually employed in the trial of a case, \$50;
9 in which case the court before whom the case is tried shall
10 make an order specifying the number of days for which a per
11 diem shall be allowed.

12 For each day actually employed in the trial of cases of
13 felony arising in their respective counties and taken by change
14 of venue to another county, \$50; and the court before whom the
15 case is tried shall make an order specifying the number of days
16 for which said per diem shall be allowed; and it is hereby made
17 the duty of each State's attorney to prepare and try each case
18 of felony arising when so taken by change of venue.

19 For assisting in a trial of each case on an indictment for
20 felony brought by change of venue to their respective counties,
21 the same fees they would be entitled to if such indictment had
22 been found for an offense committed in his county, and it shall
23 be the duty of the State's attorney of the county to which such
24 cause is taken by change of venue to assist in the trial
25 thereof.

26 For each case of forfeited recognizance where the

1 forfeiture is set aside at the instance of the defense, in
2 addition to the ordinary costs, \$20 for each defendant.

3 For each proceeding in a circuit court to inquire into the
4 alleged mental illness of any person, \$20 for each defendant.

5 For each proceeding in a circuit court to inquire into the
6 alleged dependency or delinquency of any child, \$20.

7 For each day actually employed in the hearing of a case of
8 habeas corpus in which the people are interested, \$50.

9 All the foregoing fees shall be taxed as costs to be
10 collected from the defendant, if possible, upon conviction. But
11 in cases of inquiry into the mental illness of any person
12 alleged to be mentally ill, in cases on a charge of paternity
13 and in cases of appeal in the Supreme or Appellate Court, where
14 judgment is in favor of the accused, the fees allowed the
15 State's attorney therein shall be retained out of the fines and
16 forfeitures collected by them in other cases.

17 Ten per cent of all moneys except revenue, collected by
18 them and paid over to the authorities entitled thereto, which
19 per cent together with the fees provided for herein that are
20 not collected from the parties tried or examined, shall be paid
21 out of any fines and forfeited recognizances collected by them,
22 provided however, that in proceedings to foreclose the lien of
23 delinquent real estate taxes State's attorneys shall receive a
24 fee, to be credited to the earnings of their office, of 10% of
25 the total amount realized from the sale of real estate sold in
26 such proceedings. Such fees shall be paid from the total amount

1 realized from the sale of the real estate sold in such
2 proceedings.

3 State's attorneys shall have a lien for their fees on all
4 judgments for fines or forfeitures procured by them and on
5 moneys except revenue received by them until such fees and
6 earnings are fully paid.

7 No fees shall be charged on more than 10 counts in any one
8 indictment or information on trial and conviction; nor on more
9 than 10 counts against any one defendant on pleas of guilty.

10 The Circuit Court may direct that of all monies received,
11 by restitution or otherwise, which monies are ordered paid to
12 the Department of Healthcare and Family Services (formerly
13 Department of Public Aid) or the Department of Human Services
14 (acting as successor to the Department of Public Aid under the
15 Department of Human Services Act) as a direct result of the
16 efforts of the State's attorney and which payments arise from
17 Civil or Criminal prosecutions involving the Illinois Public
18 Aid Code or the Criminal Code, the following amounts shall be
19 paid quarterly by the Department of Healthcare and Family
20 Services or the Department of Human Services to the General
21 Corporate Fund of the County in which the prosecution or cause
22 of action took place:

23 (1) where the monies result from child support
24 obligations, not less than 25% of the federal share of the
25 monies received,

26 (2) where the monies result from other than child

1 support obligations, not less than 25% of the State's share
2 of the monies received.

3 In addition to any other amounts to which State's Attorneys
4 are entitled under this Section, State's Attorneys are entitled
5 to \$10 of the fine that is imposed under Section 5-9-1.17 of
6 the Unified Code of Corrections, as set forth in that Section.

7 (b) A municipality shall be entitled to a \$25 prosecution
8 fee for each conviction for a violation of the Illinois Vehicle
9 Code prosecuted by the municipal attorney pursuant to Section
10 16-102 of that Code which is tried before a circuit or
11 associate judge and shall be entitled to a \$25 prosecution fee
12 for each conviction for a violation of a municipal vehicle
13 ordinance prosecuted by the municipal attorney which is tried
14 before a circuit or associate judge. Such fee shall be taxed as
15 costs to be collected from the defendant, if possible, upon
16 conviction. A municipality shall have a lien for such
17 prosecution fees on all judgments or fines procured by the
18 municipal attorney from prosecutions for violations of the
19 Illinois Vehicle Code and municipal vehicle ordinances.

20 For the purposes of this subsection (b), "municipal vehicle
21 ordinance" means any ordinance enacted pursuant to Sections
22 11-40-1, 11-40-2, 11-40-2a, and 11-40-3 of the Illinois
23 Municipal Code or any ordinance enacted by a municipality which
24 is similar to a provision of Chapter 11 of the Illinois Vehicle
25 Code.

26 (c) State's attorneys shall be entitled to a \$2 fee to be

1 paid by the defendant on a judgment of guilty or a grant of
2 supervision for a violation of any provision of the Illinois
3 Vehicle Code or any felony, misdemeanor, or petty offense to
4 discharge the expenses of the State's Attorney's office for
5 establishing and maintaining automated record keeping systems.
6 The fee shall be remitted monthly to the county treasurer, to
7 be deposited by him or her into a special fund designated as
8 the State's Attorney Records Automation Fund. Expenditures
9 from this fund may be made by the State's Attorney for
10 hardware, software, research, and development costs and
11 personnel related thereto.

12 ~~For the purposes of this subsection (b), "municipal vehicle~~
13 ~~ordinance" means any ordinance enacted pursuant to Sections~~
14 ~~11-40-1, 11-40-2, 11-40-2a, and 11-40-3 of the Illinois~~
15 ~~Municipal Code or any ordinance enacted by a municipality which~~
16 ~~is similar to a provision of Chapter 11 of the Illinois Vehicle~~
17 ~~Code.~~

18 (Source: P.A. 96-707, eff. 1-1-10; 96-1186, eff. 7-22-10;
19 97-673, eff. 6-1-12; revised 10-31-16.)

20 (55 ILCS 5/4-11001.5)

21 (Section scheduled to be repealed on December 31, 2019)

22 Sec. 4-11001.5. Lake County Children's Advocacy Center
23 Pilot Program.

24 (a) The Lake County Children's Advocacy Center Pilot
25 Program is established. Under the Pilot Program, any grand

1 juror or petit juror in Lake County may elect to have his or
2 her juror fees earned under Section 4-11001 of this Code to be
3 donated to the Lake County Children's Advocacy Center, a
4 division of the Lake County State's Attorney's office.

5 (b) On or before January 1, 2017, the Lake County board
6 shall adopt, by ordinance or resolution, rules and policies
7 governing and effectuating the ability of jurors to donate
8 their juror fees to the Lake County Children's Advocacy Center
9 beginning January 1, 2017 and ending December 31, 2018. At a
10 minimum, the rules and policies must provide:

11 (1) for a form that a juror may fill out to elect to
12 donate his or her ~~their~~ juror fees. The form must contain a
13 statement, in at least 14-point bold type, that donation of
14 juror fees is optional;

15 (2) that all monies donated by jurors shall be
16 transferred by the county to the Lake County Children's
17 Advocacy Center at the same time a juror is paid under
18 Section 4-11001 of this Code who did not elect to donate
19 his or her ~~their~~ juror fees; and

20 (3) that all juror fees donated under this Section
21 shall be used exclusively for the operation of Lake County
22 Children's Advocacy Center.

23 (c) The following information shall be reported to the
24 General Assembly and the Governor by the Lake County board
25 after each calendar year of the Pilot Program on or before
26 March 31, 2018 and March 31, 2019:

1 (1) the number of grand and petit jurors who earned
2 fees under Section 4-11001 of this Code during the previous
3 calendar year;

4 (2) the number of grand and petit jurors who donated
5 fees under this Section during the previous calendar year;

6 (3) the amount of donated fees under this Section
7 during the previous calendar year;

8 (4) how the monies donated in the previous calendar
9 year were used by the Lake County Children's Advocacy
10 Center; and

11 (5) how much cost there was incurred by Lake County and
12 the Lake County State's Attorney's office in the previous
13 calendar year in implementing the Pilot Program.

14 (d) This Section is repealed on December 31, 2019.

15 (Source: P.A. 99-583, eff. 7-15-16; revised 9-1-16.)

16 (55 ILCS 5/5-25013) (from Ch. 34, par. 5-25013)

17 Sec. 5-25013. Organization of board; powers and duties.

18 (A) The board of health of each county or multiple-county
19 health department shall, immediately after appointment, meet
20 and organize, by the election of one of its number as president
21 and one as secretary, and either from its number or otherwise,
22 a treasurer and such other officers as it may deem necessary. A
23 board of health may make and adopt such rules for its own
24 guidance and for the government of the health department as may
25 be deemed necessary to protect and improve public health not

1 inconsistent with this Division. It shall:

2 1. Hold a meeting prior to the end of each operating
3 fiscal year, at which meeting officers shall be elected for
4 the ensuing operating fiscal year.

5 2. Hold meetings at least quarterly.

6 3. Hold special meetings upon a written request signed
7 by two members and filed with the Secretary or on request
8 of the medical health officer or public health
9 administrator.

10 4. Provide, equip and maintain suitable offices,
11 facilities and appliances for the health department.

12 5. Publish annually, within 90 days after the end of
13 the county's operating fiscal year, in pamphlet form, for
14 free distribution, an annual report showing the condition
15 of its trust on the last day of the most recently completed
16 operating fiscal year, the sums of money received from all
17 sources, giving the name of any donor, how all moneys have
18 been expended and for what purpose, and such other
19 statistics and information in regard to the work of the
20 health department as it may deem of general interest.

21 6. Within its jurisdiction, and professional and
22 technical competence, enforce and observe all State laws
23 pertaining to the preservation of health, and all county
24 and municipal ordinances except as otherwise provided in
25 this Division.

26 7. Within its jurisdiction, and professional and

1 technical competence, investigate the existence of any
2 contagious or infectious disease and adopt measures, not
3 inconsistent with the regulations of the State Department
4 of Public Health, to arrest the progress of the same.

5 8. Within its jurisdiction, and professional and
6 technical competence, make all necessary sanitary and
7 health investigations and inspections.

8 9. Upon request, give professional advice and
9 information to all city, village, incorporated town and
10 school authorities, within its jurisdiction, in all
11 matters pertaining to sanitation and public health.

12 10. Appoint a medical health officer as the executive
13 officer for the department, who shall be a citizen of the
14 United States and shall possess such qualifications as may
15 be prescribed by the State Department of Public Health; or
16 appoint a public health administrator who shall possess
17 such qualifications as may be prescribed by the State
18 Department of Public Health as the executive officer for
19 the department, provided that the board of health shall
20 make available medical supervision which is considered
21 adequate by the Director of Public Health.

22 10.5. ~~10-1/2.~~ Appoint such professional employees as
23 may be approved by the executive officer who meet the
24 qualification requirements of the State Department of
25 Public Health for their respective positions provided,
26 that in those health departments temporarily without a

1 medical health officer or public health administrator
2 approval by the State Department of Public Health shall
3 suffice.

4 11. Appoint such other officers and employees as may be
5 necessary.

6 12. Prescribe the powers and duties of all officers and
7 employees, fix their compensation, and authorize payment
8 of the same and all other department expenses from the
9 County Health Fund of the county or counties concerned.

10 13. Submit an annual budget to the county board or
11 boards.

12 14. Submit an annual report to the county board or
13 boards, explaining all of its activities and expenditures.

14 15. Establish and carry out programs and services in
15 mental health, including intellectual disabilities and
16 alcoholism and substance abuse, not inconsistent with the
17 regulations of the Department of Human Services.

18 16. Consult with all other private and public health
19 agencies in the county in the development of local plans
20 for the most efficient delivery of health services.

21 (B) The board of health of each county or multiple-county
22 health department may:

23 1. Initiate and carry out programs and activities of
24 all kinds, not inconsistent with law, that may be deemed
25 necessary or desirable in the promotion and protection of
26 health and in the control of disease including

1 tuberculosis.

2 2. Receive contributions of real and personal
3 property.

4 3. Recommend to the county board or boards the adoption
5 of such ordinances and of such rules and regulations as may
6 be deemed necessary or desirable for the promotion and
7 protection of health and control of disease.

8 4. Appoint a medical and dental advisory committee and
9 a non-medical advisory committee to the health department.

10 5. Enter into contracts with the State,
11 municipalities, other political subdivisions and
12 non-official agencies for the purchase, sale or exchange of
13 health services.

14 6. Set fees it deems reasonable and necessary (i) to
15 provide services or perform regulatory activities, (ii)
16 when required by State or federal grant award conditions,
17 (iii) to support activities delegated to the board of
18 health by the Illinois Department of Public Health, or (iv)
19 when required by an agreement between the board of health
20 and other private or governmental organizations, unless
21 the fee has been established as a part of a regulatory
22 ordinance adopted by the county board, in which case the
23 board of health shall make recommendations to the county
24 board concerning those fees. Revenue generated under this
25 Section shall be deposited into the County Health Fund or
26 to the account of the multiple-county health department.

1 7. Enter into multiple year employment contracts with
2 the medical health officer or public health administrator
3 as may be necessary for the recruitment and retention of
4 personnel and the proper functioning of the health
5 department.

6 8. Enter into contracts with municipal health
7 departments, county health departments, other boards of
8 health, private or public hospitals, and not for profit
9 entities to provide public health services outside of a
10 board of health's own jurisdiction in order to protect the
11 public health in an effective manner.

12 (C) The board of health of a multiple-county health
13 department may hire attorneys to represent and advise the
14 department concerning matters that are not within the exclusive
15 jurisdiction of the State's Attorney of one of the counties
16 that created the department.

17 (Source: P.A. 99-730, eff. 8-5-16; revised 10-27-16.)

18 (55 ILCS 5/5-43035)

19 Sec. 5-43035. Enforcement of judgment.

20 (a) Any fine, other sanction, or costs imposed, or part of
21 any fine, other sanction, or costs imposed, remaining unpaid
22 after the exhaustion of or the failure to exhaust judicial
23 review procedures under the Illinois Administrative Review Law
24 are a debt due and owing the county for a violation of a county
25 ordinance, or the participating unit of local government for a

1 violation of a participating unit of local government's
2 ordinance, and may be collected in accordance with applicable
3 law.

4 (b) After expiration of the period in which judicial review
5 under the Illinois Administrative Review Law may be sought for
6 a final determination of a code violation, unless stayed by a
7 court of competent jurisdiction, the findings, decision, and
8 order of the hearing officer may be enforced in the same manner
9 as a judgment entered by a court of competent jurisdiction.

10 (c) In any case in which a defendant has failed to comply
11 with a judgment ordering a defendant to correct a code
12 violation or imposing any fine or other sanction as a result of
13 a code violation, any expenses incurred by a county for a
14 violation of a county ordinance, or the participating unit of
15 local government for a violation of a participating unit of
16 local government's ordinance, to enforce the judgment,
17 including, but not limited to, attorney's fees, court costs,
18 and costs related to property demolition or foreclosure, after
19 they are fixed by a court of competent jurisdiction or a
20 hearing officer, shall be a debt due and owing the county for a
21 violation of a county ordinance, or the participating unit of
22 local government for a violation of a participating unit of
23 local government's ordinance, and the findings, decision, and
24 order of the hearing officer may be enforced in the same manner
25 as a judgment entered by a court. Prior to any expenses being
26 fixed by a hearing officer pursuant to this subsection (c), the

1 county for a violation of a county ordinance, or the
2 participating unit of local government for a violation of a
3 participating unit of local government's ordinance, shall
4 provide notice to the defendant that states that the defendant
5 shall appear at a hearing before the administrative hearing
6 officer to determine whether the defendant has failed to comply
7 with the judgment. The notice shall set the date for the
8 hearing, which shall not be less than 7 days after the date
9 that notice is served. If notice is served by mail, the 7-day
10 period shall begin to run on the date that the notice was
11 deposited in the mail.

12 (c-5) A default in the payment of a fine or penalty or any
13 installment of a fine or penalty may be collected by any means
14 authorized for the collection of monetary judgments. The
15 state's attorney of the county in which the fine or penalty was
16 imposed may retain attorneys and private collection agents for
17 the purpose of collecting any default in payment of any fine or
18 penalty or installment of that fine or penalty. Any fees or
19 costs incurred by the county or participating unit of local
20 government with respect to attorneys or private collection
21 agents retained by the state's attorney under this Section
22 shall be charged to the offender.

23 (d) Upon being recorded in the manner required by Article
24 XII of the Code of Civil Procedure or by the Uniform Commercial
25 Code, a lien shall be imposed on the real estate or personal
26 estate, or both, of the defendant in the amount of any debt due

1 and owing the county for a violation of a county ordinance, or
2 the participating unit of local government for a violation of a
3 participating unit of local government's ordinance, under this
4 Section. The lien may be enforced in the same manner as a
5 judgment lien pursuant to a judgment of a court of competent
6 jurisdiction.

7 (e) A hearing officer may set aside any judgment entered by
8 default and set a new hearing date, upon a petition filed
9 within 21 days after the issuance of the order of default, if
10 the hearing officer determines that the petitioner's failure to
11 appear at the hearing was for good cause or at any time if the
12 petitioner establishes that the county for a violation of a
13 county ordinance, or the participating unit of local government
14 for a violation of a participating unit of local government's
15 ordinance, did not provide proper service of process. If any
16 judgment is set aside pursuant to this subsection (e), the
17 hearing officer shall have authority to enter an order
18 extinguishing any lien that has been recorded for any debt due
19 and owing the county for a violation of a county ordinance, or
20 the participating unit of local government for a violation of a
21 participating unit of local government's ordinance, as a result
22 of the vacated default judgment.

23 (Source: P.A. 99-18, eff. 1-1-16; 99-739, eff. 1-1-17; 99-754,
24 eff. 1-1-17; revised 9-21-16.)

25 Section 280. The Illinois Municipal Code is amended by

1 changing Sections 3.1-50-15, 8-11-1.8, 8-11-2, 11-6-10,
2 11-74.4-3, 11-74.4-3.5, 11-74.4-6, 11-74.4-8a, and 11-102-2 as
3 follows:

4 (65 ILCS 5/3.1-50-15) (from Ch. 24, par. 3.1-50-15)

5 Sec. 3.1-50-15. Compensation of members of corporate
6 authorities.

7 (a) The ordinance fixing compensation for members of the
8 corporate authorities shall specify whether those members are
9 to be compensated (i) at an annual rate or, (ii) for each
10 meeting of the corporate authorities actually attended if
11 public notice of the meeting was given.

12 (b) Each member of the corporate authorities may receive
13 reimbursement from the municipality for expenses incurred by
14 the member in attending committee meetings of the corporate
15 authorities or for other expenses incurred by the member in the
16 course of performing official duties.

17 (Source: P.A. 91-208, eff. 1-1-00; revised 9-20-16.)

18 (65 ILCS 5/8-11-1.8)

19 Sec. 8-11-1.8. Non-home rule municipal tax rescission
20 ~~recission~~. Whenever the corporate authorities of a non-home rule
21 municipality with a population of more than 20,000 but less
22 than 25,000 have imposed a municipal retailers occupation tax
23 under Sec. 8-11-1.6 and a municipal service occupation tax
24 under Section 8-11-1.7, the question of discontinuing the tax

1 imposed under those Sections shall be submitted to the voters
2 of the municipality at the next regularly scheduled election in
3 accordance with the general election law upon a petition signed
4 by not fewer than 10% of the registered voters in the
5 municipality. The petition shall be filed with the clerk, of
6 the municipality within one year of the passage of the
7 ordinance imposing the tax; provided, the petition shall be
8 filed not less than 60 days prior to the election at which the
9 question is to be submitted to the voters of the municipality,
10 and its validity shall be determined as provided by the general
11 election law. The municipal clerk shall certify the question to
12 the proper election officials, who shall submit the question to
13 the voters.

14 Notice shall be given in the manner provided for in the
15 general election law.

16 Referenda initiated under this Section shall be subject to
17 the provisions and limitations of the general election law.

18 The proposition shall be in substantially the following
19 form:

20 Shall the additional Municipal Service Occupation Tax
21 and Municipal Retailers' Occupation Tax imposed within the
22 municipal limits of (name of municipality) by Ordinance No.
23 (state number) adopted on (date of adoption) be
24 discontinued?

25 The votes shall be recorded as "Yes" or "No".

26 If a majority of all ballots cast on the proposition shall

1 be in favor of discontinuing the tax, within one month after
2 approval of the referendum discontinuing the tax the corporate
3 authorities shall certify the results of the referenda to the
4 Department of Revenue and shall also file with the Department a
5 certified copy of an ordinance discontinuing the tax.
6 Thereupon, the Department shall discontinue collection of tax
7 as of the first day of January next following the referendum.

8 Except as herein otherwise provided, the referenda
9 authorized by the terms of this Section shall be conducted in
10 all respects in the manner provided by the general election
11 law.

12 This Section shall apply only to taxes that have been
13 previously imposed under the provisions of Sections 8-11-1.6
14 and 8-11-1.7.

15 (Source: P.A. 88-334; 89-399, eff. 8-20-95; revised 9-20-16.)

16 (65 ILCS 5/8-11-2) (from Ch. 24, par. 8-11-2)

17 Sec. 8-11-2. The corporate authorities of any municipality
18 may tax any or all of the following occupations or privileges:

19 1. (Blank).

20 2. Persons engaged in the business of distributing,
21 supplying, furnishing, or selling gas for use or
22 consumption within the corporate limits of a municipality
23 of 500,000 or fewer population, and not for resale, at a
24 rate not to exceed 5% of the gross receipts therefrom.

25 2a. Persons engaged in the business of distributing,

1 supplying, furnishing, or selling gas for use or
2 consumption within the corporate limits of a municipality
3 of over 500,000 population, and not for resale, at a rate
4 not to exceed 8% of the gross receipts therefrom. If
5 imposed, this tax shall be paid in monthly payments.

6 3. The privilege of using or consuming electricity
7 acquired in a purchase at retail and used or consumed
8 within the corporate limits of the municipality at rates
9 not to exceed the following maximum rates, calculated on a
10 monthly basis for each purchaser:

11 (i) For the first 2,000 kilowatt-hours used or
12 consumed in a month; 0.61 cents per kilowatt-hour;

13 (ii) For the next 48,000 kilowatt-hours used or
14 consumed in a month; 0.40 cents per kilowatt-hour;

15 (iii) For the next 50,000 kilowatt-hours used or
16 consumed in a month; 0.36 cents per kilowatt-hour;

17 (iv) For the next 400,000 kilowatt-hours used or
18 consumed in a month; 0.35 cents per kilowatt-hour;

19 (v) For the next 500,000 kilowatt-hours used or
20 consumed in a month; 0.34 cents per kilowatt-hour;

21 (vi) For the next 2,000,000 kilowatt-hours used or
22 consumed in a month; 0.32 cents per kilowatt-hour;

23 (vii) For the next 2,000,000 kilowatt-hours used
24 or consumed in a month; 0.315 cents per kilowatt-hour;

25 (viii) For the next 5,000,000 kilowatt-hours used
26 or consumed in a month; 0.31 cents per kilowatt-hour;

1 (ix) For the next 10,000,000 kilowatt-hours used
2 or consumed in a month; 0.305 cents per kilowatt-hour;
3 and

4 (x) For all electricity used or consumed in excess
5 of 20,000,000 kilowatt-hours in a month, 0.30 cents per
6 kilowatt-hour.

7 If a municipality imposes a tax at rates lower than
8 either the maximum rates specified in this Section or the
9 alternative maximum rates promulgated by the Illinois
10 Commerce Commission, as provided below, the tax rates shall
11 be imposed upon the kilowatt hour categories set forth
12 above with the same proportional relationship as that which
13 exists among such maximum rates. Notwithstanding the
14 foregoing, until December 31, 2008, no municipality shall
15 establish rates that are in excess of rates reasonably
16 calculated to produce revenues that equal the maximum total
17 revenues such municipality could have received under the
18 tax authorized by this subparagraph in the last full
19 calendar year prior to August 1, 1998 (the effective date
20 of Section 65 of Public Act 90-561) ~~this amendatory Act of~~
21 ~~1997~~; provided that this shall not be a limitation on the
22 amount of tax revenues actually collected by such
23 municipality.

24 Upon the request of the corporate authorities of a
25 municipality, the Illinois Commerce Commission shall,
26 within 90 days after receipt of such request, promulgate

1 alternative rates for each of these kilowatt-hour
2 categories that will reflect, as closely as reasonably
3 practical for that municipality, the distribution of the
4 tax among classes of purchasers as if the tax were based on
5 a uniform percentage of the purchase price of electricity.
6 A municipality that has adopted an ordinance imposing a tax
7 pursuant to subparagraph 3 as it existed prior to August 1,
8 1998 (the effective date of Section 65 of Public Act
9 90-561) ~~this amendatory Act of 1997~~ may, rather than
10 imposing the tax permitted by Public Act 90-561 ~~this~~
11 ~~amendatory Act of 1997~~, continue to impose the tax pursuant
12 to that ordinance with respect to gross receipts received
13 from residential customers through July 31, 1999, and with
14 respect to gross receipts from any non-residential
15 customer until the first bill issued to such customer for
16 delivery services in accordance with Section 16-104 of the
17 Public Utilities Act but in no case later than the last
18 bill issued to such customer before December 31, 2000. No
19 ordinance imposing the tax permitted by Public Act 90-561
20 ~~this amendatory Act of 1997~~ shall be applicable to any
21 non-residential customer until the first bill issued to
22 such customer for delivery services in accordance with
23 Section 16-104 of the Public Utilities Act but in no case
24 later than the last bill issued to such non-residential
25 customer before December 31, 2000.

26 4. Persons engaged in the business of distributing,

1 supplying, furnishing, or selling water for use or
2 consumption within the corporate limits of the
3 municipality, and not for resale, at a rate not to exceed
4 5% of the gross receipts therefrom.

5 None of the taxes authorized by this Section may be imposed
6 with respect to any transaction in interstate commerce or
7 otherwise to the extent to which the business or privilege may
8 not, under the constitution and statutes of the United States,
9 be made the subject of taxation by this State or any political
10 sub-division thereof; nor shall any persons engaged in the
11 business of distributing, supplying, furnishing, selling or
12 transmitting gas, water, or electricity, or using or consuming
13 electricity acquired in a purchase at retail, be subject to
14 taxation under the provisions of this Section for those
15 transactions that are or may become subject to taxation under
16 the provisions of the "Municipal Retailers' Occupation Tax Act"
17 authorized by Section 8-11-1; nor shall any tax authorized by
18 this Section be imposed upon any person engaged in a business
19 or on any privilege unless the tax is imposed in like manner
20 and at the same rate upon all persons engaged in businesses of
21 the same class in the municipality, whether privately or
22 municipally owned or operated, or exercising the same privilege
23 within the municipality.

24 Any of the taxes enumerated in this Section may be in
25 addition to the payment of money, or value of products or
26 services furnished to the municipality by the taxpayer as

1 compensation for the use of its streets, alleys, or other
2 public places, or installation and maintenance therein,
3 thereon or thereunder of poles, wires, pipes, or other
4 equipment used in the operation of the taxpayer's business.

5 (a) If the corporate authorities of any home rule
6 municipality have adopted an ordinance that imposed a tax on
7 public utility customers, between July 1, 1971, and October 1,
8 1981, on the good faith belief that they were exercising
9 authority pursuant to Section 6 of Article VII of the 1970
10 Illinois Constitution, that action of the corporate
11 authorities shall be declared legal and valid, notwithstanding
12 a later decision of a judicial tribunal declaring the ordinance
13 invalid. No municipality shall be required to rebate, refund,
14 or issue credits for any taxes described in this paragraph, and
15 those taxes shall be deemed to have been levied and collected
16 in accordance with the Constitution and laws of this State.

17 (b) In any case in which (i) prior to October 19, 1979, the
18 corporate authorities of any municipality have adopted an
19 ordinance imposing a tax authorized by this Section (or by the
20 predecessor provision of the "Revised Cities and Villages Act")
21 and have explicitly or in practice interpreted gross receipts
22 to include either charges added to customers' bills pursuant to
23 the provision of paragraph (a) of Section 36 of the Public
24 Utilities Act or charges added to customers' bills by taxpayers
25 who are not subject to rate regulation by the Illinois Commerce
26 Commission for the purpose of recovering any of the tax

1 liabilities or other amounts specified in such paragraph (a) of
2 Section 36 of that Act, and (ii) on or after October 19, 1979,
3 a judicial tribunal has construed gross receipts to exclude all
4 or part of those charges, then neither that ~~those~~ municipality
5 nor any taxpayer who paid the tax shall be required to rebate,
6 refund, or issue credits for any tax imposed or charge
7 collected from customers pursuant to the municipality's
8 interpretation prior to October 19, 1979. This paragraph
9 reflects a legislative finding that it would be contrary to the
10 public interest to require a municipality or its taxpayers to
11 refund taxes or charges attributable to the municipality's more
12 inclusive interpretation of gross receipts prior to October 19,
13 1979, and is not intended to prescribe or limit judicial
14 construction of this Section. The legislative finding set forth
15 in this subsection does not apply to taxes imposed after
16 January 1, 1996 (the effective date of Public Act 89-325) ~~this~~
17 ~~amendatory Act of 1995~~.

18 (c) The tax authorized by subparagraph 3 shall be collected
19 from the purchaser by the person maintaining a place of
20 business in this State who delivers the electricity to the
21 purchaser. This tax shall constitute a debt of the purchaser to
22 the person who delivers the electricity to the purchaser and if
23 unpaid, is recoverable in the same manner as the original
24 charge for delivering the electricity. Any tax required to be
25 collected pursuant to an ordinance authorized by subparagraph 3
26 and any such tax collected by a person delivering electricity

1 shall constitute a debt owed to the municipality by such person
2 delivering the electricity, provided, that the person
3 delivering electricity shall be allowed credit for such tax
4 related to deliveries of electricity the charges for which are
5 written off as uncollectible, and provided further, that if
6 such charges are thereafter collected, the delivering supplier
7 shall be obligated to remit such tax. For purposes of this
8 subsection (c), any partial payment not specifically
9 identified by the purchaser shall be deemed to be for the
10 delivery of electricity. Persons delivering electricity shall
11 collect the tax from the purchaser by adding such tax to the
12 gross charge for delivering the electricity, in the manner
13 prescribed by the municipality. Persons delivering electricity
14 shall also be authorized to add to such gross charge an amount
15 equal to 3% of the tax to reimburse the person delivering
16 electricity for the expenses incurred in keeping records,
17 billing customers, preparing and filing returns, remitting the
18 tax and supplying data to the municipality upon request. If the
19 person delivering electricity fails to collect the tax from the
20 purchaser, then the purchaser shall be required to pay the tax
21 directly to the municipality in the manner prescribed by the
22 municipality. Persons delivering electricity who file returns
23 pursuant to this paragraph (c) shall, at the time of filing
24 such return, pay the municipality the amount of the tax
25 collected pursuant to subparagraph 3.

26 (d) For the purpose of the taxes enumerated in this

1 Section:

2 "Gross receipts" means the consideration received for
3 distributing, supplying, furnishing or selling gas for use or
4 consumption and not for resale, and the consideration received
5 for distributing, supplying, furnishing or selling water for
6 use or consumption and not for resale, and for all services
7 rendered in connection therewith valued in money, whether
8 received in money or otherwise, including cash, credit,
9 services and property of every kind and material and for all
10 services rendered therewith, and shall be determined without
11 any deduction on account of the cost of the service, product or
12 commodity supplied, the cost of materials used, labor or
13 service cost, or any other expenses whatsoever. "Gross
14 receipts" shall not include that portion of the consideration
15 received for distributing, supplying, furnishing, or selling
16 gas or water to business enterprises described in paragraph (e)
17 of this Section to the extent and during the period in which
18 the exemption authorized by paragraph (e) is in effect or for
19 school districts or units of local government described in
20 paragraph (f) during the period in which the exemption
21 authorized in paragraph (f) is in effect.

22 For utility bills issued on or after May 1, 1996, but
23 before May 1, 1997, and for receipts from those utility bills,
24 "gross receipts" does not include one-third of (i) amounts
25 added to customers' bills under Section 9-222 of the Public
26 Utilities Act, or (ii) amounts added to customers' bills by

1 taxpayers who are not subject to rate regulation by the
2 Illinois Commerce Commission for the purpose of recovering any
3 of the tax liabilities described in Section 9-222 of the Public
4 Utilities Act. For utility bills issued on or after May 1,
5 1997, but before May 1, 1998, and for receipts from those
6 utility bills, "gross receipts" does not include two-thirds of
7 (i) amounts added to customers' bills under Section 9-222 of
8 the Public Utilities Act, or (ii) amount added to customers'
9 bills by taxpayers who are not subject to rate regulation by
10 the Illinois Commerce Commission for the purpose of recovering
11 any of the tax liabilities described in Section 9-222 of the
12 Public Utilities Act. For utility bills issued on or after May
13 1, 1998, and for receipts from those utility bills, "gross
14 receipts" does not include (i) amounts added to customers'
15 bills under Section 9-222 of the Public Utilities Act, or (ii)
16 amounts added to customers' bills by taxpayers who are not
17 subject to rate regulation by the Illinois Commerce Commission
18 for the purpose of recovering any of the tax liabilities
19 described in Section 9-222 of the Public Utilities Act.

20 For purposes of this Section "gross receipts" shall not
21 include amounts added to customers' bills under Section 9-221
22 of the Public Utilities Act. This paragraph is not intended to
23 nor does it make any change in the meaning of "gross receipts"
24 for the purposes of this Section, but is intended to remove
25 possible ambiguities, thereby confirming the existing meaning
26 of "gross receipts" prior to January 1, 1996 (the effective

1 date of Public Act 89-325) ~~this amendatory Act of 1995.~~

2 "Person" as used in this Section means any natural
3 individual, firm, trust, estate, partnership, association,
4 joint stock company, joint adventure, corporation, limited
5 liability company, municipal corporation, the State or any of
6 its political subdivisions, any State university created by
7 statute, or a receiver, trustee, guardian or other
8 representative appointed by order of any court.

9 "Person maintaining a place of business in this State"
10 shall mean any person having or maintaining within this State,
11 directly or by a subsidiary or other affiliate, an office,
12 generation facility, distribution facility, transmission
13 facility, sales office or other place of business, or any
14 employee, agent, or other representative operating within this
15 State under the authority of the person or its subsidiary or
16 other affiliate, irrespective of whether such place of business
17 or agent or other representative is located in this State
18 permanently or temporarily, or whether such person, subsidiary
19 or other affiliate is licensed or qualified to do business in
20 this State.

21 "Public utility" shall have the meaning ascribed to it in
22 Section 3-105 of the Public Utilities Act and shall include
23 alternative retail electric suppliers as defined in Section
24 16-102 of that Act.

25 "Purchase at retail" shall mean any acquisition of
26 electricity by a purchaser for purposes of use or consumption,

1 and not for resale, but shall not include the use of
2 electricity by a public utility directly in the generation,
3 production, transmission, delivery or sale of electricity.

4 "Purchaser" shall mean any person who uses or consumes,
5 within the corporate limits of the municipality, electricity
6 acquired in a purchase at retail.

7 (e) Any municipality that imposes taxes upon public
8 utilities or upon the privilege of using or consuming
9 electricity pursuant to this Section whose territory includes
10 any part of an enterprise zone or federally designated Foreign
11 Trade Zone or Sub-Zone may, by a majority vote of its corporate
12 authorities, exempt from those taxes for a period not exceeding
13 20 years any specified percentage of gross receipts of public
14 utilities received from, or electricity used or consumed by,
15 business enterprises that:

16 (1) either (i) make investments that cause the creation
17 of a minimum of 200 full-time equivalent jobs in Illinois,
18 (ii) make investments of at least \$175,000,000 that cause
19 the creation of a minimum of 150 full-time equivalent jobs
20 in Illinois, or (iii) make investments that cause the
21 retention of a minimum of 1,000 full-time jobs in Illinois;
22 and

23 (2) are either (i) located in an Enterprise Zone
24 established pursuant to the Illinois Enterprise Zone Act or
25 (ii) Department of Commerce and Economic Opportunity
26 designated High Impact Businesses located in a federally

1 designated Foreign Trade Zone or Sub-Zone; and

2 (3) are certified by the Department of Commerce and
3 Economic Opportunity as complying with the requirements
4 specified in clauses (1) and (2) of this paragraph (e).

5 Upon adoption of the ordinance authorizing the exemption,
6 the municipal clerk shall transmit a copy of that ordinance to
7 the Department of Commerce and Economic Opportunity. The
8 Department of Commerce and Economic Opportunity shall
9 determine whether the business enterprises located in the
10 municipality meet the criteria prescribed in this paragraph. If
11 the Department of Commerce and Economic Opportunity determines
12 that the business enterprises meet the criteria, it shall grant
13 certification. The Department of Commerce and Economic
14 Opportunity shall act upon certification requests within 30
15 days after receipt of the ordinance.

16 Upon certification of the business enterprise by the
17 Department of Commerce and Economic Opportunity, the
18 Department of Commerce and Economic Opportunity shall notify
19 the Department of Revenue of the certification. The Department
20 of Revenue shall notify the public utilities of the exemption
21 status of the gross receipts received from, and the electricity
22 used or consumed by, the certified business enterprises. Such
23 exemption status shall be effective within 3 months after
24 certification.

25 (f) A municipality that imposes taxes upon public utilities
26 or upon the privilege of using or consuming electricity under

1 this Section and whose territory includes part of another unit
2 of local government or a school district may by ordinance
3 exempt the other unit of local government or school district
4 from those taxes.

5 (g) The amendment of this Section by Public Act 84-127
6 shall take precedence over any other amendment of this Section
7 by any other amendatory Act passed by the 84th General Assembly
8 before August 1, 1985 (the effective date of Public Act
9 84-127).

10 (h) In any case in which, before July 1, 1992, a person
11 engaged in the business of transmitting messages through the
12 use of mobile equipment, such as cellular phones and paging
13 systems, has determined the municipality within which the gross
14 receipts from the business originated by reference to the
15 location of its transmitting or switching equipment, then (i)
16 neither the municipality to which tax was paid on that basis
17 nor the taxpayer that paid tax on that basis shall be required
18 to rebate, refund, or issue credits for any such tax or charge
19 collected from customers to reimburse the taxpayer for the tax
20 and (ii) no municipality to which tax would have been paid with
21 respect to those gross receipts if the provisions of Public Act
22 87-773 ~~this amendatory Act of 1991~~ had been in effect before
23 July 1, 1992, shall have any claim against the taxpayer for any
24 amount of the tax.

25 (Source: P.A. 94-793, eff. 5-19-06; revised 9-21-16.)

1 (65 ILCS 5/11-6-10)

2 Sec. 11-6-10. Reimbursement of volunteer fire protection
3 assistance.

4 (a) Municipalities may fix, charge, and collect fees not
5 exceeding the reasonable cost of the service for all services
6 rendered by a volunteer municipal fire department or a
7 volunteer firefighter of any municipal fire department for
8 persons, businesses, and other entities who are not residents
9 of the municipality.

10 (b) The charge for any fees under subsection (a) shall be
11 computed at a rate not to exceed \$250 per hour and not to
12 exceed \$70 per hour per firefighter responding to a call for
13 assistance. An additional charge may be levied to reimburse the
14 district for extraordinary expenses of materials used in
15 rendering such services. No charge shall be made for services
16 for which the total amount would be less than \$50.

17 (c) All revenue from the fees assessed pursuant to this
18 Section shall be deposited into ~~to~~ the general fund of the
19 municipality.

20 (d) Nothing in this Section shall allow a fee to be fixed,
21 charged, or collected that is not allowed under any contract
22 that a fire department has entered into with another entity,
23 including, but not limited to, a fire protection district.

24 (Source: P.A. 99-770, eff. 8-12-16; revised 10-31-16.)

25 (65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

1 Sec. 11-74.4-3. Definitions. The following terms, wherever
2 used or referred to in this Division 74.4 shall have the
3 following respective meanings, unless in any case a different
4 meaning clearly appears from the context.

5 (a) For any redevelopment project area that has been
6 designated pursuant to this Section by an ordinance adopted
7 prior to November 1, 1999 (the effective date of Public Act
8 91-478), "blighted area" shall have the meaning set forth in
9 this Section prior to that date.

10 On and after November 1, 1999, "blighted area" means any
11 improved or vacant area within the boundaries of a
12 redevelopment project area located within the territorial
13 limits of the municipality where:

14 (1) If improved, industrial, commercial, and
15 residential buildings or improvements are detrimental to
16 the public safety, health, or welfare because of a
17 combination of 5 or more of the following factors, each of
18 which is (i) present, with that presence documented, to a
19 meaningful extent so that a municipality may reasonably
20 find that the factor is clearly present within the intent
21 of the Act and (ii) reasonably distributed throughout the
22 improved part of the redevelopment project area:

23 (A) Dilapidation. An advanced state of disrepair
24 or neglect of necessary repairs to the primary
25 structural components of buildings or improvements in
26 such a combination that a documented building

1 condition analysis determines that major repair is
2 required or the defects are so serious and so extensive
3 that the buildings must be removed.

4 (B) Obsolescence. The condition or process of
5 falling into disuse. Structures have become ill-suited
6 for the original use.

7 (C) Deterioration. With respect to buildings,
8 defects including, but not limited to, major defects in
9 the secondary building components such as doors,
10 windows, porches, gutters and downspouts, and fascia.
11 With respect to surface improvements, that the
12 condition of roadways, alleys, curbs, gutters,
13 sidewalks, off-street parking, and surface storage
14 areas evidence deterioration, including, but not
15 limited to, surface cracking, crumbling, potholes,
16 depressions, loose paving material, and weeds
17 protruding through paved surfaces.

18 (D) Presence of structures below minimum code
19 standards. All structures that do not meet the
20 standards of zoning, subdivision, building, fire, and
21 other governmental codes applicable to property, but
22 not including housing and property maintenance codes.

23 (E) Illegal use of individual structures. The use
24 of structures in violation of applicable federal,
25 State, or local laws, exclusive of those applicable to
26 the presence of structures below minimum code

1 standards.

2 (F) Excessive vacancies. The presence of buildings
3 that are unoccupied or under-utilized and that
4 represent an adverse influence on the area because of
5 the frequency, extent, or duration of the vacancies.

6 (G) Lack of ventilation, light, or sanitary
7 facilities. The absence of adequate ventilation for
8 light or air circulation in spaces or rooms without
9 windows, or that require the removal of dust, odor,
10 gas, smoke, or other noxious airborne materials.
11 Inadequate natural light and ventilation means the
12 absence of skylights or windows for interior spaces or
13 rooms and improper window sizes and amounts by room
14 area to window area ratios. Inadequate sanitary
15 facilities refers to the absence or inadequacy of
16 garbage storage and enclosure, bathroom facilities,
17 hot water and kitchens, and structural inadequacies
18 preventing ingress and egress to and from all rooms and
19 units within a building.

20 (H) Inadequate utilities. Underground and overhead
21 utilities such as storm sewers and storm drainage,
22 sanitary sewers, water lines, and gas, telephone, and
23 electrical services that are shown to be inadequate.
24 Inadequate utilities are those that are: (i) of
25 insufficient capacity to serve the uses in the
26 redevelopment project area, (ii) deteriorated,

1 antiquated, obsolete, or in disrepair, or (iii)
2 lacking within the redevelopment project area.

3 (I) Excessive land coverage and overcrowding of
4 structures and community facilities. The
5 over-intensive use of property and the crowding of
6 buildings and accessory facilities onto a site.
7 Examples of problem conditions warranting the
8 designation of an area as one exhibiting excessive land
9 coverage are: (i) the presence of buildings either
10 improperly situated on parcels or located on parcels of
11 inadequate size and shape in relation to present-day
12 standards of development for health and safety and (ii)
13 the presence of multiple buildings on a single parcel.
14 For there to be a finding of excessive land coverage,
15 these parcels must exhibit one or more of the following
16 conditions: insufficient provision for light and air
17 within or around buildings, increased threat of spread
18 of fire due to the close proximity of buildings, lack
19 of adequate or proper access to a public right-of-way,
20 lack of reasonably required off-street parking, or
21 inadequate provision for loading and service.

22 (J) Deleterious land use or layout. The existence
23 of incompatible land-use relationships, buildings
24 occupied by inappropriate mixed-uses, or uses
25 considered to be noxious, offensive, or unsuitable for
26 the surrounding area.

1 (K) Environmental clean-up. The proposed
2 redevelopment project area has incurred Illinois
3 Environmental Protection Agency or United States
4 Environmental Protection Agency remediation costs for,
5 or a study conducted by an independent consultant
6 recognized as having expertise in environmental
7 remediation has determined a need for, the clean-up of
8 hazardous waste, hazardous substances, or underground
9 storage tanks required by State or federal law,
10 provided that the remediation costs constitute a
11 material impediment to the development or
12 redevelopment of the redevelopment project area.

13 (L) Lack of community planning. The proposed
14 redevelopment project area was developed prior to or
15 without the benefit or guidance of a community plan.
16 This means that the development occurred prior to the
17 adoption by the municipality of a comprehensive or
18 other community plan or that the plan was not followed
19 at the time of the area's development. This factor must
20 be documented by evidence of adverse or incompatible
21 land-use relationships, inadequate street layout,
22 improper subdivision, parcels of inadequate shape and
23 size to meet contemporary development standards, or
24 other evidence demonstrating an absence of effective
25 community planning.

26 (M) The total equalized assessed value of the

1 proposed redevelopment project area has declined for 3
2 of the last 5 calendar years prior to the year in which
3 the redevelopment project area is designated or is
4 increasing at an annual rate that is less than the
5 balance of the municipality for 3 of the last 5
6 calendar years for which information is available or is
7 increasing at an annual rate that is less than the
8 Consumer Price Index for All Urban Consumers published
9 by the United States Department of Labor or successor
10 agency for 3 of the last 5 calendar years prior to the
11 year in which the redevelopment project area is
12 designated.

13 (2) If vacant, the sound growth of the redevelopment
14 project area is impaired by a combination of 2 or more of
15 the following factors, each of which is (i) present, with
16 that presence documented, to a meaningful extent so that a
17 municipality may reasonably find that the factor is clearly
18 present within the intent of the Act and (ii) reasonably
19 distributed throughout the vacant part of the
20 redevelopment project area to which it pertains:

21 (A) Obsolete platting of vacant land that results
22 in parcels of limited or narrow size or configurations
23 of parcels of irregular size or shape that would be
24 difficult to develop on a planned basis and in a manner
25 compatible with contemporary standards and
26 requirements, or platting that failed to create

1 rights-of-ways for streets or alleys or that created
2 inadequate right-of-way widths for streets, alleys, or
3 other public rights-of-way or that omitted easements
4 for public utilities.

5 (B) Diversity of ownership of parcels of vacant
6 land sufficient in number to retard or impede the
7 ability to assemble the land for development.

8 (C) Tax and special assessment delinquencies exist
9 or the property has been the subject of tax sales under
10 the Property Tax Code within the last 5 years.

11 (D) Deterioration of structures or site
12 improvements in neighboring areas adjacent to the
13 vacant land.

14 (E) The area has incurred Illinois Environmental
15 Protection Agency or United States Environmental
16 Protection Agency remediation costs for, or a study
17 conducted by an independent consultant recognized as
18 having expertise in environmental remediation has
19 determined a need for, the clean-up of hazardous waste,
20 hazardous substances, or underground storage tanks
21 required by State or federal law, provided that the
22 remediation costs constitute a material impediment to
23 the development or redevelopment of the redevelopment
24 project area.

25 (F) The total equalized assessed value of the
26 proposed redevelopment project area has declined for 3

1 of the last 5 calendar years prior to the year in which
2 the redevelopment project area is designated or is
3 increasing at an annual rate that is less than the
4 balance of the municipality for 3 of the last 5
5 calendar years for which information is available or is
6 increasing at an annual rate that is less than the
7 Consumer Price Index for All Urban Consumers published
8 by the United States Department of Labor or successor
9 agency for 3 of the last 5 calendar years prior to the
10 year in which the redevelopment project area is
11 designated.

12 (3) If vacant, the sound growth of the redevelopment
13 project area is impaired by one of the following factors
14 that (i) is present, with that presence documented, to a
15 meaningful extent so that a municipality may reasonably
16 find that the factor is clearly present within the intent
17 of the Act and (ii) is reasonably distributed throughout
18 the vacant part of the redevelopment project area to which
19 it pertains:

20 (A) The area consists of one or more unused
21 quarries, mines, or strip mine ponds.

22 (B) The area consists of unused rail yards, rail
23 tracks, or railroad rights-of-way.

24 (C) The area, prior to its designation, is subject
25 to (i) chronic flooding that adversely impacts on real
26 property in the area as certified by a registered

1 professional engineer or appropriate regulatory agency
2 or (ii) surface water that discharges from all or a
3 part of the area and contributes to flooding within the
4 same watershed, but only if the redevelopment project
5 provides for facilities or improvements to contribute
6 to the alleviation of all or part of the flooding.

7 (D) The area consists of an unused or illegal
8 disposal site containing earth, stone, building
9 debris, or similar materials that were removed from
10 construction, demolition, excavation, or dredge sites.

11 (E) Prior to November 1, 1999, the area is not less
12 than 50 nor more than 100 acres and 75% of which is
13 vacant (notwithstanding that the area has been used for
14 commercial agricultural purposes within 5 years prior
15 to the designation of the redevelopment project area),
16 and the area meets at least one of the factors itemized
17 in paragraph (1) of this subsection, the area has been
18 designated as a town or village center by ordinance or
19 comprehensive plan adopted prior to January 1, 1982,
20 and the area has not been developed for that designated
21 purpose.

22 (F) The area qualified as a blighted improved area
23 immediately prior to becoming vacant, unless there has
24 been substantial private investment in the immediately
25 surrounding area.

26 (b) For any redevelopment project area that has been

1 designated pursuant to this Section by an ordinance adopted
2 prior to November 1, 1999 (the effective date of Public Act
3 91-478), "conservation area" shall have the meaning set forth
4 in this Section prior to that date.

5 On and after November 1, 1999, "conservation area" means
6 any improved area within the boundaries of a redevelopment
7 project area located within the territorial limits of the
8 municipality in which 50% or more of the structures in the area
9 have an age of 35 years or more. Such an area is not yet a
10 blighted area but because of a combination of 3 or more of the
11 following factors is detrimental to the public safety, health,
12 morals or welfare and such an area may become a blighted area:

13 (1) Dilapidation. An advanced state of disrepair or
14 neglect of necessary repairs to the primary structural
15 components of buildings or improvements in such a
16 combination that a documented building condition analysis
17 determines that major repair is required or the defects are
18 so serious and so extensive that the buildings must be
19 removed.

20 (2) Obsolescence. The condition or process of falling
21 into disuse. Structures have become ill-suited for the
22 original use.

23 (3) Deterioration. With respect to buildings, defects
24 including, but not limited to, major defects in the
25 secondary building components such as doors, windows,
26 porches, gutters and downspouts, and fascia. With respect

1 to surface improvements, that the condition of roadways,
2 alleys, curbs, gutters, sidewalks, off-street parking, and
3 surface storage areas evidence deterioration, including,
4 but not limited to, surface cracking, crumbling, potholes,
5 depressions, loose paving material, and weeds protruding
6 through paved surfaces.

7 (4) Presence of structures below minimum code
8 standards. All structures that do not meet the standards of
9 zoning, subdivision, building, fire, and other
10 governmental codes applicable to property, but not
11 including housing and property maintenance codes.

12 (5) Illegal use of individual structures. The use of
13 structures in violation of applicable federal, State, or
14 local laws, exclusive of those applicable to the presence
15 of structures below minimum code standards.

16 (6) Excessive vacancies. The presence of buildings
17 that are unoccupied or under-utilized and that represent an
18 adverse influence on the area because of the frequency,
19 extent, or duration of the vacancies.

20 (7) Lack of ventilation, light, or sanitary
21 facilities. The absence of adequate ventilation for light
22 or air circulation in spaces or rooms without windows, or
23 that require the removal of dust, odor, gas, smoke, or
24 other noxious airborne materials. Inadequate natural light
25 and ventilation means the absence or inadequacy of
26 skylights or windows for interior spaces or rooms and

1 improper window sizes and amounts by room area to window
2 area ratios. Inadequate sanitary facilities refers to the
3 absence or inadequacy of garbage storage and enclosure,
4 bathroom facilities, hot water and kitchens, and
5 structural inadequacies preventing ingress and egress to
6 and from all rooms and units within a building.

7 (8) Inadequate utilities. Underground and overhead
8 utilities such as storm sewers and storm drainage, sanitary
9 sewers, water lines, and gas, telephone, and electrical
10 services that are shown to be inadequate. Inadequate
11 utilities are those that are: (i) of insufficient capacity
12 to serve the uses in the redevelopment project area, (ii)
13 deteriorated, antiquated, obsolete, or in disrepair, or
14 (iii) lacking within the redevelopment project area.

15 (9) Excessive land coverage and overcrowding of
16 structures and community facilities. The over-intensive
17 use of property and the crowding of buildings and accessory
18 facilities onto a site. Examples of problem conditions
19 warranting the designation of an area as one exhibiting
20 excessive land coverage are: the presence of buildings
21 either improperly situated on parcels or located on parcels
22 of inadequate size and shape in relation to present-day
23 standards of development for health and safety and the
24 presence of multiple buildings on a single parcel. For
25 there to be a finding of excessive land coverage, these
26 parcels must exhibit one or more of the following

1 conditions: insufficient provision for light and air
2 within or around buildings, increased threat of spread of
3 fire due to the close proximity of buildings, lack of
4 adequate or proper access to a public right-of-way, lack of
5 reasonably required off-street parking, or inadequate
6 provision for loading and service.

7 (10) Deleterious land use or layout. The existence of
8 incompatible land-use relationships, buildings occupied by
9 inappropriate mixed-uses, or uses considered to be
10 noxious, offensive, or unsuitable for the surrounding
11 area.

12 (11) Lack of community planning. The proposed
13 redevelopment project area was developed prior to or
14 without the benefit or guidance of a community plan. This
15 means that the development occurred prior to the adoption
16 by the municipality of a comprehensive or other community
17 plan or that the plan was not followed at the time of the
18 area's development. This factor must be documented by
19 evidence of adverse or incompatible land-use
20 relationships, inadequate street layout, improper
21 subdivision, parcels of inadequate shape and size to meet
22 contemporary development standards, or other evidence
23 demonstrating an absence of effective community planning.

24 (12) The area has incurred Illinois Environmental
25 Protection Agency or United States Environmental
26 Protection Agency remediation costs for, or a study

1 conducted by an independent consultant recognized as
2 having expertise in environmental remediation has
3 determined a need for, the clean-up of hazardous waste,
4 hazardous substances, or underground storage tanks
5 required by State or federal law, provided that the
6 remediation costs constitute a material impediment to the
7 development or redevelopment of the redevelopment project
8 area.

9 (13) The total equalized assessed value of the proposed
10 redevelopment project area has declined for 3 of the last 5
11 calendar years for which information is available or is
12 increasing at an annual rate that is less than the balance
13 of the municipality for 3 of the last 5 calendar years for
14 which information is available or is increasing at an
15 annual rate that is less than the Consumer Price Index for
16 All Urban Consumers published by the United States
17 Department of Labor or successor agency for 3 of the last 5
18 calendar years for which information is available.

19 (c) "Industrial park" means an area in a blighted or
20 conservation area suitable for use by any manufacturing,
21 industrial, research or transportation enterprise, of
22 facilities to include but not be limited to factories, mills,
23 processing plants, assembly plants, packing plants,
24 fabricating plants, industrial distribution centers,
25 warehouses, repair overhaul or service facilities, freight
26 terminals, research facilities, test facilities or railroad

1 facilities.

2 (d) "Industrial park conservation area" means an area
3 within the boundaries of a redevelopment project area located
4 within the territorial limits of a municipality that is a labor
5 surplus municipality or within 1 1/2 miles of the territorial
6 limits of a municipality that is a labor surplus municipality
7 if the area is annexed to the municipality; which area is zoned
8 as industrial no later than at the time the municipality by
9 ordinance designates the redevelopment project area, and which
10 area includes both vacant land suitable for use as an
11 industrial park and a blighted area or conservation area
12 contiguous to such vacant land.

13 (e) "Labor surplus municipality" means a municipality in
14 which, at any time during the 6 months before the municipality
15 by ordinance designates an industrial park conservation area,
16 the unemployment rate was over 6% and was also 100% or more of
17 the national average unemployment rate for that same time as
18 published in the United States Department of Labor Bureau of
19 Labor Statistics publication entitled "The Employment
20 Situation" or its successor publication. For the purpose of
21 this subsection, if unemployment rate statistics for the
22 municipality are not available, the unemployment rate in the
23 municipality shall be deemed to be the same as the unemployment
24 rate in the principal county in which the municipality is
25 located.

26 (f) "Municipality" shall mean a city, village,

1 incorporated town, or a township that is located in the
2 unincorporated portion of a county with 3 million or more
3 inhabitants, if the county adopted an ordinance that approved
4 the township's redevelopment plan.

5 (g) "Initial Sales Tax Amounts" means the amount of taxes
6 paid under the Retailers' Occupation Tax Act, Use Tax Act,
7 Service Use Tax Act, the Service Occupation Tax Act, the
8 Municipal Retailers' Occupation Tax Act, and the Municipal
9 Service Occupation Tax Act by retailers and servicemen on
10 transactions at places located in a State Sales Tax Boundary
11 during the calendar year 1985.

12 (g-1) "Revised Initial Sales Tax Amounts" means the amount
13 of taxes paid under the Retailers' Occupation Tax Act, Use Tax
14 Act, Service Use Tax Act, the Service Occupation Tax Act, the
15 Municipal Retailers' Occupation Tax Act, and the Municipal
16 Service Occupation Tax Act by retailers and servicemen on
17 transactions at places located within the State Sales Tax
18 Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

19 (h) "Municipal Sales Tax Increment" means an amount equal
20 to the increase in the aggregate amount of taxes paid to a
21 municipality from the Local Government Tax Fund arising from
22 sales by retailers and servicemen within the redevelopment
23 project area or State Sales Tax Boundary, as the case may be,
24 for as long as the redevelopment project area or State Sales
25 Tax Boundary, as the case may be, exist over and above the
26 aggregate amount of taxes as certified by the Illinois

1 Department of Revenue and paid under the Municipal Retailers'
2 Occupation Tax Act and the Municipal Service Occupation Tax Act
3 by retailers and servicemen, on transactions at places of
4 business located in the redevelopment project area or State
5 Sales Tax Boundary, as the case may be, during the base year
6 which shall be the calendar year immediately prior to the year
7 in which the municipality adopted tax increment allocation
8 financing. For purposes of computing the aggregate amount of
9 such taxes for base years occurring prior to 1985, the
10 Department of Revenue shall determine the Initial Sales Tax
11 Amounts for such taxes and deduct therefrom an amount equal to
12 4% of the aggregate amount of taxes per year for each year the
13 base year is prior to 1985, but not to exceed a total deduction
14 of 12%. The amount so determined shall be known as the
15 "Adjusted Initial Sales Tax Amounts". For purposes of
16 determining the Municipal Sales Tax Increment, the Department
17 of Revenue shall for each period subtract from the amount paid
18 to the municipality from the Local Government Tax Fund arising
19 from sales by retailers and servicemen on transactions located
20 in the redevelopment project area or the State Sales Tax
21 Boundary, as the case may be, the certified Initial Sales Tax
22 Amounts, the Adjusted Initial Sales Tax Amounts or the Revised
23 Initial Sales Tax Amounts for the Municipal Retailers'
24 Occupation Tax Act and the Municipal Service Occupation Tax
25 Act. For the State Fiscal Year 1989, this calculation shall be
26 made by utilizing the calendar year 1987 to determine the tax

1 amounts received. For the State Fiscal Year 1990, this
2 calculation shall be made by utilizing the period from January
3 1, 1988, until September 30, 1988, to determine the tax amounts
4 received from retailers and servicemen pursuant to the
5 Municipal Retailers' Occupation Tax and the Municipal Service
6 Occupation Tax Act, which shall have deducted therefrom
7 nine-twelfths of the certified Initial Sales Tax Amounts, the
8 Adjusted Initial Sales Tax Amounts or the Revised Initial Sales
9 Tax Amounts as appropriate. For the State Fiscal Year 1991,
10 this calculation shall be made by utilizing the period from
11 October 1, 1988, to June 30, 1989, to determine the tax amounts
12 received from retailers and servicemen pursuant to the
13 Municipal Retailers' Occupation Tax and the Municipal Service
14 Occupation Tax Act which shall have deducted therefrom
15 nine-twelfths of the certified Initial Sales Tax Amounts,
16 Adjusted Initial Sales Tax Amounts or the Revised Initial Sales
17 Tax Amounts as appropriate. For every State Fiscal Year
18 thereafter, the applicable period shall be the 12 months
19 beginning July 1 and ending June 30 to determine the tax
20 amounts received which shall have deducted therefrom the
21 certified Initial Sales Tax Amounts, the Adjusted Initial Sales
22 Tax Amounts or the Revised Initial Sales Tax Amounts, as the
23 case may be.

24 (i) "Net State Sales Tax Increment" means the sum of the
25 following: (a) 80% of the first \$100,000 of State Sales Tax
26 Increment annually generated within a State Sales Tax Boundary;

1 (b) 60% of the amount in excess of \$100,000 but not exceeding
2 \$500,000 of State Sales Tax Increment annually generated within
3 a State Sales Tax Boundary; and (c) 40% of all amounts in
4 excess of \$500,000 of State Sales Tax Increment annually
5 generated within a State Sales Tax Boundary. If, however, a
6 municipality established a tax increment financing district in
7 a county with a population in excess of 3,000,000 before
8 January 1, 1986, and the municipality entered into a contract
9 or issued bonds after January 1, 1986, but before December 31,
10 1986, to finance redevelopment project costs within a State
11 Sales Tax Boundary, then the Net State Sales Tax Increment
12 means, for the fiscal years beginning July 1, 1990, and July 1,
13 1991, 100% of the State Sales Tax Increment annually generated
14 within a State Sales Tax Boundary; and notwithstanding any
15 other provision of this Act, for those fiscal years the
16 Department of Revenue shall distribute to those municipalities
17 100% of their Net State Sales Tax Increment before any
18 distribution to any other municipality and regardless of
19 whether or not those other municipalities will receive 100% of
20 their Net State Sales Tax Increment. For Fiscal Year 1999, and
21 every year thereafter until the year 2007, for any municipality
22 that has not entered into a contract or has not issued bonds
23 prior to June 1, 1988 to finance redevelopment project costs
24 within a State Sales Tax Boundary, the Net State Sales Tax
25 Increment shall be calculated as follows: By multiplying the
26 Net State Sales Tax Increment by 90% in the State Fiscal Year

1 1999; 80% in the State Fiscal Year 2000; 70% in the State
2 Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the
3 State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30%
4 in the State Fiscal Year 2005; 20% in the State Fiscal Year
5 2006; and 10% in the State Fiscal Year 2007. No payment shall
6 be made for State Fiscal Year 2008 and thereafter.

7 Municipalities that issued bonds in connection with a
8 redevelopment project in a redevelopment project area within
9 the State Sales Tax Boundary prior to July 29, 1991, or that
10 entered into contracts in connection with a redevelopment
11 project in a redevelopment project area before June 1, 1988,
12 shall continue to receive their proportional share of the
13 Illinois Tax Increment Fund distribution until the date on
14 which the redevelopment project is completed or terminated. If,
15 however, a municipality that issued bonds in connection with a
16 redevelopment project in a redevelopment project area within
17 the State Sales Tax Boundary prior to July 29, 1991 retires the
18 bonds prior to June 30, 2007 or a municipality that entered
19 into contracts in connection with a redevelopment project in a
20 redevelopment project area before June 1, 1988 completes the
21 contracts prior to June 30, 2007, then so long as the
22 redevelopment project is not completed or is not terminated,
23 the Net State Sales Tax Increment shall be calculated,
24 beginning on the date on which the bonds are retired or the
25 contracts are completed, as follows: By multiplying the Net
26 State Sales Tax Increment by 60% in the State Fiscal Year 2002;

1 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year
2 2004; 30% in the State Fiscal Year 2005; 20% in the State
3 Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No
4 payment shall be made for State Fiscal Year 2008 and
5 thereafter. Refunding of any bonds issued prior to July 29,
6 1991, shall not alter the Net State Sales Tax Increment.

7 (j) "State Utility Tax Increment Amount" means an amount
8 equal to the aggregate increase in State electric and gas tax
9 charges imposed on owners and tenants, other than residential
10 customers, of properties located within the redevelopment
11 project area under Section 9-222 of the Public Utilities Act,
12 over and above the aggregate of such charges as certified by
13 the Department of Revenue and paid by owners and tenants, other
14 than residential customers, of properties within the
15 redevelopment project area during the base year, which shall be
16 the calendar year immediately prior to the year of the adoption
17 of the ordinance authorizing tax increment allocation
18 financing.

19 (k) "Net State Utility Tax Increment" means the sum of the
20 following: (a) 80% of the first \$100,000 of State Utility Tax
21 Increment annually generated by a redevelopment project area;
22 (b) 60% of the amount in excess of \$100,000 but not exceeding
23 \$500,000 of the State Utility Tax Increment annually generated
24 by a redevelopment project area; and (c) 40% of all amounts in
25 excess of \$500,000 of State Utility Tax Increment annually
26 generated by a redevelopment project area. For the State Fiscal

1 Year 1999, and every year thereafter until the year 2007, for
2 any municipality that has not entered into a contract or has
3 not issued bonds prior to June 1, 1988 to finance redevelopment
4 project costs within a redevelopment project area, the Net
5 State Utility Tax Increment shall be calculated as follows: By
6 multiplying the Net State Utility Tax Increment by 90% in the
7 State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70%
8 in the State Fiscal Year 2001; 60% in the State Fiscal Year
9 2002; 50% in the State Fiscal Year 2003; 40% in the State
10 Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the
11 State Fiscal Year 2006; and 10% in the State Fiscal Year 2007.
12 No payment shall be made for the State Fiscal Year 2008 and
13 thereafter.

14 Municipalities that issue bonds in connection with the
15 redevelopment project during the period from June 1, 1988 until
16 3 years after the effective date of this Amendatory Act of 1988
17 shall receive the Net State Utility Tax Increment, subject to
18 appropriation, for 15 State Fiscal Years after the issuance of
19 such bonds. For the 16th through the 20th State Fiscal Years
20 after issuance of the bonds, the Net State Utility Tax
21 Increment shall be calculated as follows: By multiplying the
22 Net State Utility Tax Increment by 90% in year 16; 80% in year
23 17; 70% in year 18; 60% in year 19; and 50% in year 20.
24 Refunding of any bonds issued prior to June 1, 1988, shall not
25 alter the revised Net State Utility Tax Increment payments set
26 forth above.

1 (1) "Obligations" mean bonds, loans, debentures, notes,
2 special certificates or other evidence of indebtedness issued
3 by the municipality to carry out a redevelopment project or to
4 refund outstanding obligations.

5 (m) "Payment in lieu of taxes" means those estimated tax
6 revenues from real property in a redevelopment project area
7 derived from real property that has been acquired by a
8 municipality which according to the redevelopment project or
9 plan is to be used for a private use which taxing districts
10 would have received had a municipality not acquired the real
11 property and adopted tax increment allocation financing and
12 which would result from levies made after the time of the
13 adoption of tax increment allocation financing to the time the
14 current equalized value of real property in the redevelopment
15 project area exceeds the total initial equalized value of real
16 property in said area.

17 (n) "Redevelopment plan" means the comprehensive program
18 of the municipality for development or redevelopment intended
19 by the payment of redevelopment project costs to reduce or
20 eliminate those conditions the existence of which qualified the
21 redevelopment project area as a "blighted area" or
22 "conservation area" or combination thereof or "industrial park
23 conservation area," and thereby to enhance the tax bases of the
24 taxing districts which extend into the redevelopment project
25 area, provided that, with respect to redevelopment project
26 areas described in subsections (p-1) and (p-2), "redevelopment

1 plan" means the comprehensive program of the affected
2 municipality for the development of qualifying transit
3 facilities. On and after November 1, 1999 (the effective date
4 of Public Act 91-478), no redevelopment plan may be approved or
5 amended that includes the development of vacant land (i) with a
6 golf course and related clubhouse and other facilities or (ii)
7 designated by federal, State, county, or municipal government
8 as public land for outdoor recreational activities or for
9 nature preserves and used for that purpose within 5 years prior
10 to the adoption of the redevelopment plan. For the purpose of
11 this subsection, "recreational activities" is limited to mean
12 camping and hunting. Each redevelopment plan shall set forth in
13 writing the program to be undertaken to accomplish the
14 objectives and shall include but not be limited to:

15 (A) an itemized list of estimated redevelopment
16 project costs;

17 (B) evidence indicating that the redevelopment project
18 area on the whole has not been subject to growth and
19 development through investment by private enterprise,
20 provided that such evidence shall not be required for any
21 redevelopment project area located within a transit
22 facility improvement area established pursuant to Section
23 11-74.4-3.3;

24 (C) an assessment of any financial impact of the
25 redevelopment project area on or any increased demand for
26 services from any taxing district affected by the plan and

1 any program to address such financial impact or increased
2 demand;

3 (D) the sources of funds to pay costs;

4 (E) the nature and term of the obligations to be
5 issued;

6 (F) the most recent equalized assessed valuation of the
7 redevelopment project area;

8 (G) an estimate as to the equalized assessed valuation
9 after redevelopment and the general land uses to apply in
10 the redevelopment project area;

11 (H) a commitment to fair employment practices and an
12 affirmative action plan;

13 (I) if it concerns an industrial park conservation
14 area, the plan shall also include a general description of
15 any proposed developer, user and tenant of any property, a
16 description of the type, structure and general character of
17 the facilities to be developed, a description of the type,
18 class and number of new employees to be employed in the
19 operation of the facilities to be developed; and

20 (J) if property is to be annexed to the municipality,
21 the plan shall include the terms of the annexation
22 agreement.

23 The provisions of items (B) and (C) of this subsection (n)
24 shall not apply to a municipality that before March 14, 1994
25 (the effective date of Public Act 88-537) had fixed, either by
26 its corporate authorities or by a commission designated under

1 subsection (k) of Section 11-74.4-4, a time and place for a
2 public hearing as required by subsection (a) of Section
3 11-74.4-5. No redevelopment plan shall be adopted unless a
4 municipality complies with all of the following requirements:

5 (1) The municipality finds that the redevelopment
6 project area on the whole has not been subject to growth
7 and development through investment by private enterprise
8 and would not reasonably be anticipated to be developed
9 without the adoption of the redevelopment plan, provided,
10 however, that such a finding shall not be required with
11 respect to any redevelopment project area located within a
12 transit facility improvement area established pursuant to
13 Section 11-74.4-3.3.

14 (2) The municipality finds that the redevelopment plan
15 and project conform to the comprehensive plan for the
16 development of the municipality as a whole, or, for
17 municipalities with a population of 100,000 or more,
18 regardless of when the redevelopment plan and project was
19 adopted, the redevelopment plan and project either: (i)
20 conforms to the strategic economic development or
21 redevelopment plan issued by the designated planning
22 authority of the municipality, or (ii) includes land uses
23 that have been approved by the planning commission of the
24 municipality.

25 (3) The redevelopment plan establishes the estimated
26 dates of completion of the redevelopment project and

1 retirement of obligations issued to finance redevelopment
2 project costs. Those dates may not be later than the dates
3 set forth under Section 11-74.4-3.5.

4 A municipality may by municipal ordinance amend an
5 existing redevelopment plan to conform to this paragraph
6 (3) as amended by Public Act 91-478, which municipal
7 ordinance may be adopted without further hearing or notice
8 and without complying with the procedures provided in this
9 Act pertaining to an amendment to or the initial approval
10 of a redevelopment plan and project and designation of a
11 redevelopment project area.

12 (3.5) The municipality finds, in the case of an
13 industrial park conservation area, also that the
14 municipality is a labor surplus municipality and that the
15 implementation of the redevelopment plan will reduce
16 unemployment, create new jobs and by the provision of new
17 facilities enhance the tax base of the taxing districts
18 that extend into the redevelopment project area.

19 (4) If any incremental revenues are being utilized
20 under Section 8(a)(1) or 8(a)(2) of this Act in
21 redevelopment project areas approved by ordinance after
22 January 1, 1986, the municipality finds: (a) that the
23 redevelopment project area would not reasonably be
24 developed without the use of such incremental revenues, and
25 (b) that such incremental revenues will be exclusively
26 utilized for the development of the redevelopment project

1 area.

2 (5) If: (a) the redevelopment plan will not result in
3 displacement of residents from 10 or more inhabited
4 residential units, and the municipality certifies in the
5 plan that such displacement will not result from the plan;
6 or (b) the redevelopment plan is for a redevelopment
7 project area located within a transit facility improvement
8 area established pursuant to Section 11-74.4-3.3, and the
9 applicable project is subject to the process for evaluation
10 of environmental effects under the National Environmental
11 Policy Act of 1969, 42 U.S.C. § 4321 et seq., then a
12 housing impact study need not be performed. If, however,
13 the redevelopment plan would result in the displacement of
14 residents from 10 or more inhabited residential units, or
15 if the redevelopment project area contains 75 or more
16 inhabited residential units and no certification is made,
17 then the municipality shall prepare, as part of the
18 separate feasibility report required by subsection (a) of
19 Section 11-74.4-5, a housing impact study.

20 Part I of the housing impact study shall include (i)
21 data as to whether the residential units are single family
22 or multi-family units, (ii) the number and type of rooms
23 within the units, if that information is available, (iii)
24 whether the units are inhabited or uninhabited, as
25 determined not less than 45 days before the date that the
26 ordinance or resolution required by subsection (a) of

1 Section 11-74.4-5 is passed, and (iv) data as to the racial
2 and ethnic composition of the residents in the inhabited
3 residential units. The data requirement as to the racial
4 and ethnic composition of the residents in the inhabited
5 residential units shall be deemed to be fully satisfied by
6 data from the most recent federal census.

7 Part II of the housing impact study shall identify the
8 inhabited residential units in the proposed redevelopment
9 project area that are to be or may be removed. If inhabited
10 residential units are to be removed, then the housing
11 impact study shall identify (i) the number and location of
12 those units that will or may be removed, (ii) the
13 municipality's plans for relocation assistance for those
14 residents in the proposed redevelopment project area whose
15 residences are to be removed, (iii) the availability of
16 replacement housing for those residents whose residences
17 are to be removed, and shall identify the type, location,
18 and cost of the housing, and (iv) the type and extent of
19 relocation assistance to be provided.

20 (6) On and after November 1, 1999, the housing impact
21 study required by paragraph (5) shall be incorporated in
22 the redevelopment plan for the redevelopment project area.

23 (7) On and after November 1, 1999, no redevelopment
24 plan shall be adopted, nor an existing plan amended, nor
25 shall residential housing that is occupied by households of
26 low-income and very low-income persons in currently

1 existing redevelopment project areas be removed after
2 November 1, 1999 unless the redevelopment plan provides,
3 with respect to inhabited housing units that are to be
4 removed for households of low-income and very low-income
5 persons, affordable housing and relocation assistance not
6 less than that which would be provided under the federal
7 Uniform Relocation Assistance and Real Property
8 Acquisition Policies Act of 1970 and the regulations under
9 that Act, including the eligibility criteria. Affordable
10 housing may be either existing or newly constructed
11 housing. For purposes of this paragraph (7), "low-income
12 households", "very low-income households", and "affordable
13 housing" have the meanings set forth in the Illinois
14 Affordable Housing Act. The municipality shall make a good
15 faith effort to ensure that this affordable housing is
16 located in or near the redevelopment project area within
17 the municipality.

18 (8) On and after November 1, 1999, if, after the
19 adoption of the redevelopment plan for the redevelopment
20 project area, any municipality desires to amend its
21 redevelopment plan to remove more inhabited residential
22 units than specified in its original redevelopment plan,
23 that change shall be made in accordance with the procedures
24 in subsection (c) of Section 11-74.4-5.

25 (9) For redevelopment project areas designated prior
26 to November 1, 1999, the redevelopment plan may be amended

1 without further joint review board meeting or hearing,
2 provided that the municipality shall give notice of any
3 such changes by mail to each affected taxing district and
4 registrant on the interested party registry, to authorize
5 the municipality to expend tax increment revenues for
6 redevelopment project costs defined by paragraphs (5) and
7 (7.5), subparagraphs (E) and (F) of paragraph (11), and
8 paragraph (11.5) of subsection (q) of Section 11-74.4-3, so
9 long as the changes do not increase the total estimated
10 redevelopment project costs set out in the redevelopment
11 plan by more than 5% after adjustment for inflation from
12 the date the plan was adopted.

13 (o) "Redevelopment project" means any public and private
14 development project in furtherance of the objectives of a
15 redevelopment plan. On and after November 1, 1999 (the
16 effective date of Public Act 91-478), no redevelopment plan may
17 be approved or amended that includes the development of vacant
18 land (i) with a golf course and related clubhouse and other
19 facilities or (ii) designated by federal, State, county, or
20 municipal government as public land for outdoor recreational
21 activities or for nature preserves and used for that purpose
22 within 5 years prior to the adoption of the redevelopment plan.
23 For the purpose of this subsection, "recreational activities"
24 is limited to mean camping and hunting.

25 (p) "Redevelopment project area" means an area designated
26 by the municipality, which is not less in the aggregate than 1

1 1/2 acres and in respect to which the municipality has made a
2 finding that there exist conditions which cause the area to be
3 classified as an industrial park conservation area or a
4 blighted area or a conservation area, or a combination of both
5 blighted areas and conservation areas.

6 (p-1) Notwithstanding any provision of this Act to the
7 contrary, on and after August 25, 2009 (the effective date of
8 Public Act 96-680), a redevelopment project area may include
9 areas within a one-half mile radius of an existing or proposed
10 Regional Transportation Authority Suburban Transit Access
11 Route (STAR Line) station without a finding that the area is
12 classified as an industrial park conservation area, a blighted
13 area, a conservation area, or a combination thereof, but only
14 if the municipality receives unanimous consent from the joint
15 review board created to review the proposed redevelopment
16 project area.

17 (p-2) Notwithstanding any provision of this Act to the
18 contrary, on and after the effective date of this amendatory
19 Act of the 99th General Assembly, a redevelopment project area
20 may include areas within a transit facility improvement area
21 that has been established pursuant to Section 11-74.4-3.3
22 without a finding that the area is classified as an industrial
23 park conservation area, a blighted area, a conservation area,
24 or any combination thereof.

25 (q) "Redevelopment project costs", except for
26 redevelopment project areas created pursuant to subsection

1 ~~subsections~~ (p-1) or (p-2), means and includes the sum total of
2 all reasonable or necessary costs incurred or estimated to be
3 incurred, and any such costs incidental to a redevelopment plan
4 and a redevelopment project. Such costs include, without
5 limitation, the following:

6 (1) Costs of studies, surveys, development of plans,
7 and specifications, implementation and administration of
8 the redevelopment plan including but not limited to staff
9 and professional service costs for architectural,
10 engineering, legal, financial, planning or other services,
11 provided however that no charges for professional services
12 may be based on a percentage of the tax increment
13 collected; except that on and after November 1, 1999 (the
14 effective date of Public Act 91-478), no contracts for
15 professional services, excluding architectural and
16 engineering services, may be entered into if the terms of
17 the contract extend beyond a period of 3 years. In
18 addition, "redevelopment project costs" shall not include
19 lobbying expenses. After consultation with the
20 municipality, each tax increment consultant or advisor to a
21 municipality that plans to designate or has designated a
22 redevelopment project area shall inform the municipality
23 in writing of any contracts that the consultant or advisor
24 has entered into with entities or individuals that have
25 received, or are receiving, payments financed by tax
26 increment revenues produced by the redevelopment project

1 area with respect to which the consultant or advisor has
2 performed, or will be performing, service for the
3 municipality. This requirement shall be satisfied by the
4 consultant or advisor before the commencement of services
5 for the municipality and thereafter whenever any other
6 contracts with those individuals or entities are executed
7 by the consultant or advisor;

8 (1.5) After July 1, 1999, annual administrative costs
9 shall not include general overhead or administrative costs
10 of the municipality that would still have been incurred by
11 the municipality if the municipality had not designated a
12 redevelopment project area or approved a redevelopment
13 plan;

14 (1.6) The cost of marketing sites within the
15 redevelopment project area to prospective businesses,
16 developers, and investors;

17 (2) Property assembly costs, including but not limited
18 to acquisition of land and other property, real or
19 personal, or rights or interests therein, demolition of
20 buildings, site preparation, site improvements that serve
21 as an engineered barrier addressing ground level or below
22 ground environmental contamination, including, but not
23 limited to parking lots and other concrete or asphalt
24 barriers, and the clearing and grading of land;

25 (3) Costs of rehabilitation, reconstruction or repair
26 or remodeling of existing public or private buildings,

1 fixtures, and leasehold improvements; and the cost of
2 replacing an existing public building if pursuant to the
3 implementation of a redevelopment project the existing
4 public building is to be demolished to use the site for
5 private investment or devoted to a different use requiring
6 private investment; including any direct or indirect costs
7 relating to Green Globes or LEED certified construction
8 elements or construction elements with an equivalent
9 certification;

10 (4) Costs of the construction of public works or
11 improvements, including any direct or indirect costs
12 relating to Green Globes or LEED certified construction
13 elements or construction elements with an equivalent
14 certification, except that on and after November 1, 1999,
15 redevelopment project costs shall not include the cost of
16 constructing a new municipal public building principally
17 used to provide offices, storage space, or conference
18 facilities or vehicle storage, maintenance, or repair for
19 administrative, public safety, or public works personnel
20 and that is not intended to replace an existing public
21 building as provided under paragraph (3) of subsection (q)
22 of Section 11-74.4-3 unless either (i) the construction of
23 the new municipal building implements a redevelopment
24 project that was included in a redevelopment plan that was
25 adopted by the municipality prior to November 1, 1999, (ii)
26 the municipality makes a reasonable determination in the

1 redevelopment plan, supported by information that provides
2 the basis for that determination, that the new municipal
3 building is required to meet an increase in the need for
4 public safety purposes anticipated to result from the
5 implementation of the redevelopment plan, or (iii) the new
6 municipal public building is for the storage, maintenance,
7 or repair of transit vehicles and is located in a transit
8 facility improvement area that has been established
9 pursuant to Section 11-74.4-3.3;

10 (5) Costs of job training and retraining projects,
11 including the cost of "welfare to work" programs
12 implemented by businesses located within the redevelopment
13 project area;

14 (6) Financing costs, including but not limited to all
15 necessary and incidental expenses related to the issuance
16 of obligations and which may include payment of interest on
17 any obligations issued hereunder including interest
18 accruing during the estimated period of construction of any
19 redevelopment project for which such obligations are
20 issued and for not exceeding 36 months thereafter and
21 including reasonable reserves related thereto;

22 (7) To the extent the municipality by written agreement
23 accepts and approves the same, all or a portion of a taxing
24 district's capital costs resulting from the redevelopment
25 project necessarily incurred or to be incurred within a
26 taxing district in furtherance of the objectives of the

1 redevelopment plan and project;:-

2 (7.5) For redevelopment project areas designated (or
3 redevelopment project areas amended to add or increase the
4 number of tax-increment-financing assisted housing units)
5 on or after November 1, 1999, an elementary, secondary, or
6 unit school district's increased costs attributable to
7 assisted housing units located within the redevelopment
8 project area for which the developer or redeveloper
9 receives financial assistance through an agreement with
10 the municipality or because the municipality incurs the
11 cost of necessary infrastructure improvements within the
12 boundaries of the assisted housing sites necessary for the
13 completion of that housing as authorized by this Act, and
14 which costs shall be paid by the municipality from the
15 Special Tax Allocation Fund when the tax increment revenue
16 is received as a result of the assisted housing units and
17 shall be calculated annually as follows:

18 (A) for foundation districts, excluding any school
19 district in a municipality with a population in excess
20 of 1,000,000, by multiplying the district's increase
21 in attendance resulting from the net increase in new
22 students enrolled in that school district who reside in
23 housing units within the redevelopment project area
24 that have received financial assistance through an
25 agreement with the municipality or because the
26 municipality incurs the cost of necessary

1 infrastructure improvements within the boundaries of
2 the housing sites necessary for the completion of that
3 housing as authorized by this Act since the designation
4 of the redevelopment project area by the most recently
5 available per capita tuition cost as defined in Section
6 10-20.12a of the School Code less any increase in
7 general State aid as defined in Section 18-8.05 of the
8 School Code attributable to these added new students
9 subject to the following annual limitations:

10 (i) for unit school districts with a district
11 average 1995-96 Per Capita Tuition Charge of less
12 than \$5,900, no more than 25% of the total amount
13 of property tax increment revenue produced by
14 those housing units that have received tax
15 increment finance assistance under this Act;

16 (ii) for elementary school districts with a
17 district average 1995-96 Per Capita Tuition Charge
18 of less than \$5,900, no more than 17% of the total
19 amount of property tax increment revenue produced
20 by those housing units that have received tax
21 increment finance assistance under this Act; and

22 (iii) for secondary school districts with a
23 district average 1995-96 Per Capita Tuition Charge
24 of less than \$5,900, no more than 8% of the total
25 amount of property tax increment revenue produced
26 by those housing units that have received tax

1 increment finance assistance under this Act.

2 (B) For alternate method districts, flat grant
3 districts, and foundation districts with a district
4 average 1995-96 Per Capita Tuition Charge equal to or
5 more than \$5,900, excluding any school district with a
6 population in excess of 1,000,000, by multiplying the
7 district's increase in attendance resulting from the
8 net increase in new students enrolled in that school
9 district who reside in housing units within the
10 redevelopment project area that have received
11 financial assistance through an agreement with the
12 municipality or because the municipality incurs the
13 cost of necessary infrastructure improvements within
14 the boundaries of the housing sites necessary for the
15 completion of that housing as authorized by this Act
16 since the designation of the redevelopment project
17 area by the most recently available per capita tuition
18 cost as defined in Section 10-20.12a of the School Code
19 less any increase in general state aid as defined in
20 Section 18-8.05 of the School Code attributable to
21 these added new students subject to the following
22 annual limitations:

23 (i) for unit school districts, no more than 40%
24 of the total amount of property tax increment
25 revenue produced by those housing units that have
26 received tax increment finance assistance under

1 this Act;

2 (ii) for elementary school districts, no more
3 than 27% of the total amount of property tax
4 increment revenue produced by those housing units
5 that have received tax increment finance
6 assistance under this Act; and

7 (iii) for secondary school districts, no more
8 than 13% of the total amount of property tax
9 increment revenue produced by those housing units
10 that have received tax increment finance
11 assistance under this Act.

12 (C) For any school district in a municipality with
13 a population in excess of 1,000,000, the following
14 restrictions shall apply to the reimbursement of
15 increased costs under this paragraph (7.5):

16 (i) no increased costs shall be reimbursed
17 unless the school district certifies that each of
18 the schools affected by the assisted housing
19 project is at or over its student capacity;

20 (ii) the amount reimbursable shall be reduced
21 by the value of any land donated to the school
22 district by the municipality or developer, and by
23 the value of any physical improvements made to the
24 schools by the municipality or developer; and

25 (iii) the amount reimbursed may not affect
26 amounts otherwise obligated by the terms of any

1 bonds, notes, or other funding instruments, or the
2 terms of any redevelopment agreement.

3 Any school district seeking payment under this
4 paragraph (7.5) shall, after July 1 and before
5 September 30 of each year, provide the municipality
6 with reasonable evidence to support its claim for
7 reimbursement before the municipality shall be
8 required to approve or make the payment to the school
9 district. If the school district fails to provide the
10 information during this period in any year, it shall
11 forfeit any claim to reimbursement for that year.
12 School districts may adopt a resolution waiving the
13 right to all or a portion of the reimbursement
14 otherwise required by this paragraph (7.5). By
15 acceptance of this reimbursement the school district
16 waives the right to directly or indirectly set aside,
17 modify, or contest in any manner the establishment of
18 the redevelopment project area or projects;

19 (7.7) For redevelopment project areas designated (or
20 redevelopment project areas amended to add or increase the
21 number of tax-increment-financing assisted housing units)
22 on or after January 1, 2005 (the effective date of Public
23 Act 93-961), a public library district's increased costs
24 attributable to assisted housing units located within the
25 redevelopment project area for which the developer or
26 redeveloper receives financial assistance through an

1 agreement with the municipality or because the
2 municipality incurs the cost of necessary infrastructure
3 improvements within the boundaries of the assisted housing
4 sites necessary for the completion of that housing as
5 authorized by this Act shall be paid to the library
6 district by the municipality from the Special Tax
7 Allocation Fund when the tax increment revenue is received
8 as a result of the assisted housing units. This paragraph
9 (7.7) applies only if (i) the library district is located
10 in a county that is subject to the Property Tax Extension
11 Limitation Law or (ii) the library district is not located
12 in a county that is subject to the Property Tax Extension
13 Limitation Law but the district is prohibited by any other
14 law from increasing its tax levy rate without a prior voter
15 referendum.

16 The amount paid to a library district under this
17 paragraph (7.7) shall be calculated by multiplying (i) the
18 net increase in the number of persons eligible to obtain a
19 library card in that district who reside in housing units
20 within the redevelopment project area that have received
21 financial assistance through an agreement with the
22 municipality or because the municipality incurs the cost of
23 necessary infrastructure improvements within the
24 boundaries of the housing sites necessary for the
25 completion of that housing as authorized by this Act since
26 the designation of the redevelopment project area by (ii)

1 the per-patron cost of providing library services so long
2 as it does not exceed \$120. The per-patron cost shall be
3 the Total Operating Expenditures Per Capita for the library
4 in the previous fiscal year. The municipality may deduct
5 from the amount that it must pay to a library district
6 under this paragraph any amount that it has voluntarily
7 paid to the library district from the tax increment
8 revenue. The amount paid to a library district under this
9 paragraph (7.7) shall be no more than 2% of the amount
10 produced by the assisted housing units and deposited into
11 the Special Tax Allocation Fund.

12 A library district is not eligible for any payment
13 under this paragraph (7.7) unless the library district has
14 experienced an increase in the number of patrons from the
15 municipality that created the tax-increment-financing
16 district since the designation of the redevelopment
17 project area.

18 Any library district seeking payment under this
19 paragraph (7.7) shall, after July 1 and before September 30
20 of each year, provide the municipality with convincing
21 evidence to support its claim for reimbursement before the
22 municipality shall be required to approve or make the
23 payment to the library district. If the library district
24 fails to provide the information during this period in any
25 year, it shall forfeit any claim to reimbursement for that
26 year. Library districts may adopt a resolution waiving the

1 right to all or a portion of the reimbursement otherwise
2 required by this paragraph (7.7). By acceptance of such
3 reimbursement, the library district shall forfeit any
4 right to directly or indirectly set aside, modify, or
5 contest in any manner whatsoever the establishment of the
6 redevelopment project area or projects;

7 (8) Relocation costs to the extent that a municipality
8 determines that relocation costs shall be paid or is
9 required to make payment of relocation costs by federal or
10 State law or in order to satisfy subparagraph (7) of
11 subsection (n);

12 (9) Payment in lieu of taxes;

13 (10) Costs of job training, retraining, advanced
14 vocational education or career education, including but
15 not limited to courses in occupational, semi-technical or
16 technical fields leading directly to employment, incurred
17 by one or more taxing districts, provided that such costs
18 (i) are related to the establishment and maintenance of
19 additional job training, advanced vocational education or
20 career education programs for persons employed or to be
21 employed by employers located in a redevelopment project
22 area; and (ii) when incurred by a taxing district or taxing
23 districts other than the municipality, are set forth in a
24 written agreement by or among the municipality and the
25 taxing district or taxing districts, which agreement
26 describes the program to be undertaken, including but not

1 limited to the number of employees to be trained, a
2 description of the training and services to be provided,
3 the number and type of positions available or to be
4 available, itemized costs of the program and sources of
5 funds to pay for the same, and the term of the agreement.
6 Such costs include, specifically, the payment by community
7 college districts of costs pursuant to Sections 3-37, 3-38,
8 3-40 and 3-40.1 of the Public Community College Act and by
9 school districts of costs pursuant to Sections 10-22.20a
10 and 10-23.3a of the ~~The~~ School Code;

11 (11) Interest cost incurred by a redeveloper related to
12 the construction, renovation or rehabilitation of a
13 redevelopment project provided that:

14 (A) such costs are to be paid directly from the
15 special tax allocation fund established pursuant to
16 this Act;

17 (B) such payments in any one year may not exceed
18 30% of the annual interest costs incurred by the
19 redeveloper with regard to the redevelopment project
20 during that year;

21 (C) if there are not sufficient funds available in
22 the special tax allocation fund to make the payment
23 pursuant to this paragraph (11) then the amounts so due
24 shall accrue and be payable when sufficient funds are
25 available in the special tax allocation fund;

26 (D) the total of such interest payments paid

1 pursuant to this Act may not exceed 30% of the total
2 (i) cost paid or incurred by the redeveloper for the
3 redevelopment project plus (ii) redevelopment project
4 costs excluding any property assembly costs and any
5 relocation costs incurred by a municipality pursuant
6 to this Act; ~~and~~

7 (E) the cost limits set forth in subparagraphs (B)
8 and (D) of paragraph (11) shall be modified for the
9 financing of rehabilitated or new housing units for
10 low-income households and very low-income households,
11 as defined in Section 3 of the Illinois Affordable
12 Housing Act. The percentage of 75% shall be substituted
13 for 30% in subparagraphs (B) and (D) of paragraph (11);
14 and-

15 (F) instead ~~instead~~ of the eligible costs provided
16 by subparagraphs (B) and (D) of paragraph (11), as
17 modified by this subparagraph, and notwithstanding any
18 other provisions of this Act to the contrary, the
19 municipality may pay from tax increment revenues up to
20 50% of the cost of construction of new housing units to
21 be occupied by low-income households and very
22 low-income households as defined in Section 3 of the
23 Illinois Affordable Housing Act. The cost of
24 construction of those units may be derived from the
25 proceeds of bonds issued by the municipality under this
26 Act or other constitutional or statutory authority or

1 from other sources of municipal revenue that may be
2 reimbursed from tax increment revenues or the proceeds
3 of bonds issued to finance the construction of that
4 housing.

5 The eligible costs provided under this
6 subparagraph (F) of paragraph (11) shall be an eligible
7 cost for the construction, renovation, and
8 rehabilitation of all low and very low-income housing
9 units, as defined in Section 3 of the Illinois
10 Affordable Housing Act, within the redevelopment
11 project area. If the low and very low-income units are
12 part of a residential redevelopment project that
13 includes units not affordable to low and very
14 low-income households, only the low and very
15 low-income units shall be eligible for benefits under
16 this subparagraph (F) of paragraph (11). The standards
17 for maintaining the occupancy by low-income households
18 and very low-income households, as defined in Section 3
19 of the Illinois Affordable Housing Act, of those units
20 constructed with eligible costs made available under
21 the provisions of this subparagraph (F) of paragraph
22 (11) shall be established by guidelines adopted by the
23 municipality. The responsibility for annually
24 documenting the initial occupancy of the units by
25 low-income households and very low-income households,
26 as defined in Section 3 of the Illinois Affordable

1 Housing Act, shall be that of the then current owner of
2 the property. For ownership units, the guidelines will
3 provide, at a minimum, for a reasonable recapture of
4 funds, or other appropriate methods designed to
5 preserve the original affordability of the ownership
6 units. For rental units, the guidelines will provide,
7 at a minimum, for the affordability of rent to low and
8 very low-income households. As units become available,
9 they shall be rented to income-eligible tenants. The
10 municipality may modify these guidelines from time to
11 time; the guidelines, however, shall be in effect for
12 as long as tax increment revenue is being used to pay
13 for costs associated with the units or for the
14 retirement of bonds issued to finance the units or for
15 the life of the redevelopment project area, whichever
16 is later;:-

17 (11.5) If the redevelopment project area is located
18 within a municipality with a population of more than
19 100,000, the cost of day care services for children of
20 employees from low-income families working for businesses
21 located within the redevelopment project area and all or a
22 portion of the cost of operation of day care centers
23 established by redevelopment project area businesses to
24 serve employees from low-income families working in
25 businesses located in the redevelopment project area. For
26 the purposes of this paragraph, "low-income families"

1 means families whose annual income does not exceed 80% of
2 the municipal, county, or regional median income, adjusted
3 for family size, as the annual income and municipal,
4 county, or regional median income are determined from time
5 to time by the United States Department of Housing and
6 Urban Development.

7 ~~(12)~~ Unless explicitly stated herein the cost of
8 construction of new privately-owned buildings shall not be an
9 eligible redevelopment project cost.

10 ~~(13)~~ After November 1, 1999 (the effective date of Public
11 Act 91-478), none of the redevelopment project costs enumerated
12 in this subsection shall be eligible redevelopment project
13 costs if those costs would provide direct financial support to
14 a retail entity initiating operations in the redevelopment
15 project area while terminating operations at another Illinois
16 location within 10 miles of the redevelopment project area but
17 outside the boundaries of the redevelopment project area
18 municipality. For purposes of this paragraph, termination
19 means a closing of a retail operation that is directly related
20 to the opening of the same operation or like retail entity
21 owned or operated by more than 50% of the original ownership in
22 a redevelopment project area, but it does not mean closing an
23 operation for reasons beyond the control of the retail entity,
24 as documented by the retail entity, subject to a reasonable
25 finding by the municipality that the current location contained
26 inadequate space, had become economically obsolete, or was no

1 longer a viable location for the retailer or serviceman.

2 ~~(14)~~ No cost shall be a redevelopment project cost in a
3 redevelopment project area if used to demolish, remove, or
4 substantially modify a historic resource, after August 26, 2008
5 (the effective date of Public Act 95-934), unless no prudent
6 and feasible alternative exists. "Historic resource" for the
7 purpose of this paragraph ~~item (14)~~ means (i) a place or
8 structure that is included or eligible for inclusion on the
9 National Register of Historic Places or (ii) a contributing
10 structure in a district on the National Register of Historic
11 Places. This paragraph ~~item (14)~~ does not apply to a place or
12 structure for which demolition, removal, or modification is
13 subject to review by the preservation agency of a Certified
14 Local Government designated as such by the National Park
15 Service of the United States Department of the Interior.

16 If a special service area has been established pursuant to
17 the Special Service Area Tax Act or Special Service Area Tax
18 Law, then any tax increment revenues derived from the tax
19 imposed pursuant to the Special Service Area Tax Act or Special
20 Service Area Tax Law may be used within the redevelopment
21 project area for the purposes permitted by that Act or Law as
22 well as the purposes permitted by this Act.

23 (q-1) For redevelopment project areas created pursuant to
24 subsection (p-1), redevelopment project costs are limited to
25 those costs in paragraph (q) that are related to the existing
26 or proposed Regional Transportation Authority Suburban Transit

1 Access Route (STAR Line) station.

2 (q-2) For a redevelopment project area located within a
3 transit facility improvement area established pursuant to
4 Section 11-74.4-3.3, redevelopment project costs means those
5 costs described in subsection (q) that are related to the
6 construction, reconstruction, rehabilitation, remodeling, or
7 repair of any existing or proposed transit facility.

8 (r) "State Sales Tax Boundary" means the redevelopment
9 project area or the amended redevelopment project area
10 boundaries which are determined pursuant to subsection (9) of
11 Section 11-74.4-8a of this Act. The Department of Revenue shall
12 certify pursuant to subsection (9) of Section 11-74.4-8a the
13 appropriate boundaries eligible for the determination of State
14 Sales Tax Increment.

15 (s) "State Sales Tax Increment" means an amount equal to
16 the increase in the aggregate amount of taxes paid by retailers
17 and servicemen, other than retailers and servicemen subject to
18 the Public Utilities Act, on transactions at places of business
19 located within a State Sales Tax Boundary pursuant to the
20 Retailers' Occupation Tax Act, the Use Tax Act, the Service Use
21 Tax Act, and the Service Occupation Tax Act, except such
22 portion of such increase that is paid into the State and Local
23 Sales Tax Reform Fund, the Local Government Distributive Fund,
24 the Local Government Tax Fund and the County and Mass Transit
25 District Fund, for as long as State participation exists, over
26 and above the Initial Sales Tax Amounts, Adjusted Initial Sales

1 Tax Amounts or the Revised Initial Sales Tax Amounts for such
2 taxes as certified by the Department of Revenue and paid under
3 those Acts by retailers and servicemen on transactions at
4 places of business located within the State Sales Tax Boundary
5 during the base year which shall be the calendar year
6 immediately prior to the year in which the municipality adopted
7 tax increment allocation financing, less 3.0% of such amounts
8 generated under the Retailers' Occupation Tax Act, Use Tax Act
9 and Service Use Tax Act and the Service Occupation Tax Act,
10 which sum shall be appropriated to the Department of Revenue to
11 cover its costs of administering and enforcing this Section.
12 For purposes of computing the aggregate amount of such taxes
13 for base years occurring prior to 1985, the Department of
14 Revenue shall compute the Initial Sales Tax Amount for such
15 taxes and deduct therefrom an amount equal to 4% of the
16 aggregate amount of taxes per year for each year the base year
17 is prior to 1985, but not to exceed a total deduction of 12%.
18 The amount so determined shall be known as the "Adjusted
19 Initial Sales Tax Amount". For purposes of determining the
20 State Sales Tax Increment the Department of Revenue shall for
21 each period subtract from the tax amounts received from
22 retailers and servicemen on transactions located in the State
23 Sales Tax Boundary, the certified Initial Sales Tax Amounts,
24 Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax
25 Amounts for the Retailers' Occupation Tax Act, the Use Tax Act,
26 the Service Use Tax Act and the Service Occupation Tax Act. For

1 the State Fiscal Year 1989 this calculation shall be made by
2 utilizing the calendar year 1987 to determine the tax amounts
3 received. For the State Fiscal Year 1990, this calculation
4 shall be made by utilizing the period from January 1, 1988,
5 until September 30, 1988, to determine the tax amounts received
6 from retailers and servicemen, which shall have deducted
7 therefrom nine-twelfths of the certified Initial Sales Tax
8 Amounts, Adjusted Initial Sales Tax Amounts or the Revised
9 Initial Sales Tax Amounts as appropriate. For the State Fiscal
10 Year 1991, this calculation shall be made by utilizing the
11 period from October 1, 1988, until June 30, 1989, to determine
12 the tax amounts received from retailers and servicemen, which
13 shall have deducted therefrom nine-twelfths of the certified
14 Initial State Sales Tax Amounts, Adjusted Initial Sales Tax
15 Amounts or the Revised Initial Sales Tax Amounts as
16 appropriate. For every State Fiscal Year thereafter, the
17 applicable period shall be the 12 months beginning July 1 and
18 ending on June 30, to determine the tax amounts received which
19 shall have deducted therefrom the certified Initial Sales Tax
20 Amounts, Adjusted Initial Sales Tax Amounts or the Revised
21 Initial Sales Tax Amounts. Municipalities intending to receive
22 a distribution of State Sales Tax Increment must report a list
23 of retailers to the Department of Revenue by October 31, 1988
24 and by July 31, of each year thereafter.

25 (t) "Taxing districts" means counties, townships, cities
26 and incorporated towns and villages, school, road, park,

1 sanitary, mosquito abatement, forest preserve, public health,
2 fire protection, river conservancy, tuberculosis sanitarium
3 and any other municipal corporations or districts with the
4 power to levy taxes.

5 (u) "Taxing districts' capital costs" means those costs of
6 taxing districts for capital improvements that are found by the
7 municipal corporate authorities to be necessary and directly
8 result from the redevelopment project.

9 (v) As used in subsection (a) of Section 11-74.4-3 of this
10 Act, "vacant land" means any parcel or combination of parcels
11 of real property without industrial, commercial, and
12 residential buildings which has not been used for commercial
13 agricultural purposes within 5 years prior to the designation
14 of the redevelopment project area, unless the parcel is
15 included in an industrial park conservation area or the parcel
16 has been subdivided; provided that if the parcel was part of a
17 larger tract that has been divided into 3 or more smaller
18 tracts that were accepted for recording during the period from
19 1950 to 1990, then the parcel shall be deemed to have been
20 subdivided, and all proceedings and actions of the municipality
21 taken in that connection with respect to any previously
22 approved or designated redevelopment project area or amended
23 redevelopment project area are hereby validated and hereby
24 declared to be legally sufficient for all purposes of this Act.
25 For purposes of this Section and only for land subject to the
26 subdivision requirements of the Plat Act, land is subdivided

1 when the original plat of the proposed Redevelopment Project
2 Area or relevant portion thereof has been properly certified,
3 acknowledged, approved, and recorded or filed in accordance
4 with the Plat Act and a preliminary plat, if any, for any
5 subsequent phases of the proposed Redevelopment Project Area or
6 relevant portion thereof has been properly approved and filed
7 in accordance with the applicable ordinance of the
8 municipality.

9 (w) "Annual Total Increment" means the sum of each
10 municipality's annual Net Sales Tax Increment and each
11 municipality's annual Net Utility Tax Increment. The ratio of
12 the Annual Total Increment of each municipality to the Annual
13 Total Increment for all municipalities, as most recently
14 calculated by the Department, shall determine the proportional
15 shares of the Illinois Tax Increment Fund to be distributed to
16 each municipality.

17 (x) "LEED certified" means any certification level of
18 construction elements by a qualified Leadership in Energy and
19 Environmental Design Accredited Professional as determined by
20 the U.S. Green Building Council.

21 (y) "Green Globes certified" means any certification level
22 of construction elements by a qualified Green Globes
23 Professional as determined by the Green Building Initiative.

24 (Source: P.A. 99-792, eff. 8-12-16; revised 10-31-16.)

25 (65 ILCS 5/11-74.4-3.5)

1 Sec. 11-74.4-3.5. Completion dates for redevelopment
2 projects.

3 (a) Unless otherwise stated in this Section, the estimated
4 dates of completion of the redevelopment project and retirement
5 of obligations issued to finance redevelopment project costs
6 (including refunding bonds under Section 11-74.4-7) may not be
7 later than December 31 of the year in which the payment to the
8 municipal treasurer, as provided in subsection (b) of Section
9 11-74.4-8 of this Act, is to be made with respect to ad valorem
10 taxes levied in the 23rd calendar year after the year in which
11 the ordinance approving the redevelopment project area was
12 adopted if the ordinance was adopted on or after January 15,
13 1981.

14 (a-5) If the redevelopment project area is located within a
15 transit facility improvement area established pursuant to
16 Section 11-74.4-3, the estimated dates of completion of the
17 redevelopment project and retirement of obligations issued to
18 finance redevelopment project costs (including refunding bonds
19 under Section 11-74.4-7) may not be later than December 31 of
20 the year in which the payment to the municipal treasurer, as
21 provided in subsection (b) of Section 11-74.4-8 of this Act
22 ~~amendatory Act of the 99th General Assembly~~, is to be made with
23 respect to ad valorem taxes levied in the 35th calendar year
24 after the year in which the ordinance approving the
25 redevelopment project area was adopted.

26 (a-7) A municipality may adopt tax increment financing for

1 a redevelopment project area located in a transit facility
2 improvement area that also includes real property located
3 within an existing redevelopment project area established
4 prior to August 12, 2016 (the effective date of Public Act
5 99-792) ~~this amendatory Act of 99th General Assembly~~. In such
6 case: (i) the provisions of this Division shall apply with
7 respect to the previously established redevelopment project
8 area until the municipality adopts, as required in accordance
9 with applicable provisions of this Division, an ordinance
10 dissolving the special tax allocation fund for such
11 redevelopment project area and terminating the designation of
12 such redevelopment project area as a redevelopment project
13 area; and (ii) after the effective date of the ordinance
14 described in (i), the provisions of this Division shall apply
15 with respect to the subsequently established redevelopment
16 project area located in a transit facility improvement area.

17 (b) The estimated dates of completion of the redevelopment
18 project and retirement of obligations issued to finance
19 redevelopment project costs (including refunding bonds under
20 Section 11-74.4-7) may not be later than December 31 of the
21 year in which the payment to the municipal treasurer as
22 provided in subsection (b) of Section 11-74.4-8 of this Act is
23 to be made with respect to ad valorem taxes levied in the 32nd
24 calendar year after the year in which the ordinance approving
25 the redevelopment project area was adopted if the ordinance was
26 adopted on September 9, 1999 by the Village of Downs.

1 The estimated dates of completion of the redevelopment
2 project and retirement of obligations issued to finance
3 redevelopment project costs (including refunding bonds under
4 Section 11-74.4-7) may not be later than December 31 of the
5 year in which the payment to the municipal treasurer as
6 provided in subsection (b) of Section 11-74.4-8 of this Act is
7 to be made with respect to ad valorem taxes levied in the 33rd
8 calendar year after the year in which the ordinance approving
9 the redevelopment project area was adopted if the ordinance was
10 adopted on May 20, 1985 by the Village of Wheeling.

11 The estimated dates of completion of the redevelopment
12 project and retirement of obligations issued to finance
13 redevelopment project costs (including refunding bonds under
14 Section 11-74.4-7) may not be later than December 31 of the
15 year in which the payment to the municipal treasurer as
16 provided in subsection (b) of Section 11-74.4-8 of this Act is
17 to be made with respect to ad valorem taxes levied in the 28th
18 calendar year after the year in which the ordinance approving
19 the redevelopment project area was adopted if the ordinance was
20 adopted on October 12, 1989 by the City of Lawrenceville.

21 (c) The estimated dates of completion of the redevelopment
22 project and retirement of obligations issued to finance
23 redevelopment project costs (including refunding bonds under
24 Section 11-74.4-7) may not be later than December 31 of the
25 year in which the payment to the municipal treasurer as
26 provided in subsection (b) of Section 11-74.4-8 of this Act is

1 to be made with respect to ad valorem taxes levied in the 35th
2 calendar year after the year in which the ordinance approving
3 the redevelopment project area was adopted:

4 (1) If the ordinance was adopted before January 15,
5 1981.

6 (2) If the ordinance was adopted in December 1983,
7 April 1984, July 1985, or December 1989.

8 (3) If the ordinance was adopted in December 1987 and
9 the redevelopment project is located within one mile of
10 Midway Airport.

11 (4) If the ordinance was adopted before January 1, 1987
12 by a municipality in Mason County.

13 (5) If the municipality is subject to the Local
14 Government Financial Planning and Supervision Act or the
15 Financially Distressed City Law.

16 (6) If the ordinance was adopted in December 1984 by
17 the Village of Rosemont.

18 (7) If the ordinance was adopted on December 31, 1986
19 by a municipality located in Clinton County for which at
20 least \$250,000 of tax increment bonds were authorized on
21 June 17, 1997, or if the ordinance was adopted on December
22 31, 1986 by a municipality with a population in 1990 of
23 less than 3,600 that is located in a county with a
24 population in 1990 of less than 34,000 and for which at
25 least \$250,000 of tax increment bonds were authorized on
26 June 17, 1997.

1 (8) If the ordinance was adopted on October 5, 1982 by
2 the City of Kankakee, or if the ordinance was adopted on
3 December 29, 1986 by East St. Louis.

4 (9) If the ordinance was adopted on November 12, 1991
5 by the Village of Sauget.

6 (10) If the ordinance was adopted on February 11, 1985
7 by the City of Rock Island.

8 (11) If the ordinance was adopted before December 18,
9 1986 by the City of Moline.

10 (12) If the ordinance was adopted in September 1988 by
11 Sauk Village.

12 (13) If the ordinance was adopted in October 1993 by
13 Sauk Village.

14 (14) If the ordinance was adopted on December 29, 1986
15 by the City of Galva.

16 (15) If the ordinance was adopted in March 1991 by the
17 City of Centreville.

18 (16) If the ordinance was adopted on January 23, 1991
19 by the City of East St. Louis.

20 (17) If the ordinance was adopted on December 22, 1986
21 by the City of Aledo.

22 (18) If the ordinance was adopted on February 5, 1990
23 by the City of Clinton.

24 (19) If the ordinance was adopted on September 6, 1994
25 by the City of Freeport.

26 (20) If the ordinance was adopted on December 22, 1986

1 by the City of Tuscola.

2 (21) If the ordinance was adopted on December 23, 1986
3 by the City of Sparta.

4 (22) If the ordinance was adopted on December 23, 1986
5 by the City of Beardstown.

6 (23) If the ordinance was adopted on April 27, 1981,
7 October 21, 1985, or December 30, 1986 by the City of
8 Belleville.

9 (24) If the ordinance was adopted on December 29, 1986
10 by the City of Collinsville.

11 (25) If the ordinance was adopted on September 14, 1994
12 by the City of Alton.

13 (26) If the ordinance was adopted on November 11, 1996
14 by the City of Lexington.

15 (27) If the ordinance was adopted on November 5, 1984
16 by the City of LeRoy.

17 (28) If the ordinance was adopted on April 3, 1991 or
18 June 3, 1992 by the City of Markham.

19 (29) If the ordinance was adopted on November 11, 1986
20 by the City of Pekin.

21 (30) If the ordinance was adopted on December 15, 1981
22 by the City of Champaign.

23 (31) If the ordinance was adopted on December 15, 1986
24 by the City of Urbana.

25 (32) If the ordinance was adopted on December 15, 1986
26 by the Village of Heyworth.

1 (33) If the ordinance was adopted on February 24, 1992
2 by the Village of Heyworth.

3 (34) If the ordinance was adopted on March 16, 1995 by
4 the Village of Heyworth.

5 (35) If the ordinance was adopted on December 23, 1986
6 by the Town of Cicero.

7 (36) If the ordinance was adopted on December 30, 1986
8 by the City of Effingham.

9 (37) If the ordinance was adopted on May 9, 1991 by the
10 Village of Tilton.

11 (38) If the ordinance was adopted on October 20, 1986
12 by the City of Elmhurst.

13 (39) If the ordinance was adopted on January 19, 1988
14 by the City of Waukegan.

15 (40) If the ordinance was adopted on September 21, 1998
16 by the City of Waukegan.

17 (41) If the ordinance was adopted on December 31, 1986
18 by the City of Sullivan.

19 (42) If the ordinance was adopted on December 23, 1991
20 by the City of Sullivan.

21 (43) If the ordinance was adopted on December 31, 1986
22 by the City of Oglesby.

23 (44) If the ordinance was adopted on July 28, 1987 by
24 the City of Marion.

25 (45) If the ordinance was adopted on April 23, 1990 by
26 the City of Marion.

1 (46) If the ordinance was adopted on August 20, 1985 by
2 the Village of Mount Prospect.

3 (47) If the ordinance was adopted on February 2, 1998
4 by the Village of Woodhull.

5 (48) If the ordinance was adopted on April 20, 1993 by
6 the Village of Princeville.

7 (49) If the ordinance was adopted on July 1, 1986 by
8 the City of Granite City.

9 (50) If the ordinance was adopted on February 2, 1989
10 by the Village of Lombard.

11 (51) If the ordinance was adopted on December 29, 1986
12 by the Village of Gardner.

13 (52) If the ordinance was adopted on July 14, 1999 by
14 the Village of Paw Paw.

15 (53) If the ordinance was adopted on November 17, 1986
16 by the Village of Franklin Park.

17 (54) If the ordinance was adopted on November 20, 1989
18 by the Village of South Holland.

19 (55) If the ordinance was adopted on July 14, 1992 by
20 the Village of Riverdale.

21 (56) If the ordinance was adopted on December 29, 1986
22 by the City of Galesburg.

23 (57) If the ordinance was adopted on April 1, 1985 by
24 the City of Galesburg.

25 (58) If the ordinance was adopted on May 21, 1990 by
26 the City of West Chicago.

1 (59) If the ordinance was adopted on December 16, 1986
2 by the City of Oak Forest.

3 (60) If the ordinance was adopted in 1999 by the City
4 of Villa Grove.

5 (61) If the ordinance was adopted on January 13, 1987
6 by the Village of Mt. Zion.

7 (62) If the ordinance was adopted on December 30, 1986
8 by the Village of Manteno.

9 (63) If the ordinance was adopted on April 3, 1989 by
10 the City of Chicago Heights.

11 (64) If the ordinance was adopted on January 6, 1999 by
12 the Village of Rosemont.

13 (65) If the ordinance was adopted on December 19, 2000
14 by the Village of Stone Park.

15 (66) If the ordinance was adopted on December 22, 1986
16 by the City of DeKalb.

17 (67) If the ordinance was adopted on December 2, 1986
18 by the City of Aurora.

19 (68) If the ordinance was adopted on December 31, 1986
20 by the Village of Milan.

21 (69) If the ordinance was adopted on September 8, 1994
22 by the City of West Frankfort.

23 (70) If the ordinance was adopted on December 23, 1986
24 by the Village of Libertyville.

25 (71) If the ordinance was adopted on December 22, 1986
26 by the Village of Hoffman Estates.

1 (72) If the ordinance was adopted on September 17, 1986
2 by the Village of Sherman.

3 (73) If the ordinance was adopted on December 16, 1986
4 by the City of Macomb.

5 (74) If the ordinance was adopted on June 11, 2002 by
6 the City of East Peoria to create the West Washington
7 Street TIF.

8 (75) If the ordinance was adopted on June 11, 2002 by
9 the City of East Peoria to create the Camp Street TIF.

10 (76) If the ordinance was adopted on August 7, 2000 by
11 the City of Des Plaines.

12 (77) If the ordinance was adopted on December 22, 1986
13 by the City of Washington to create the Washington Square
14 TIF #2.

15 (78) If the ordinance was adopted on December 29, 1986
16 by the City of Morris.

17 (79) If the ordinance was adopted on July 6, 1998 by
18 the Village of Steeleville.

19 (80) If the ordinance was adopted on December 29, 1986
20 by the City of Pontiac to create TIF I (the Main St TIF).

21 (81) If the ordinance was adopted on December 29, 1986
22 by the City of Pontiac to create TIF II (the Interstate
23 TIF).

24 (82) If the ordinance was adopted on November 6, 2002
25 by the City of Chicago to create the Madden/Wells TIF
26 District.

1 (83) If the ordinance was adopted on November 4, 1998
2 by the City of Chicago to create the Roosevelt/Racine TIF
3 District.

4 (84) If the ordinance was adopted on June 10, 1998 by
5 the City of Chicago to create the Stony Island
6 Commercial/Burnside Industrial Corridors TIF District.

7 (85) If the ordinance was adopted on November 29, 1989
8 by the City of Chicago to create the Englewood Mall TIF
9 District.

10 (86) If the ordinance was adopted on December 27, 1986
11 by the City of Mendota.

12 (87) If the ordinance was adopted on December 31, 1986
13 by the Village of Cahokia.

14 (88) If the ordinance was adopted on September 20, 1999
15 by the City of Belleville.

16 (89) If the ordinance was adopted on December 30, 1986
17 by the Village of Bellevue to create the Bellevue TIF
18 District 1.

19 (90) If the ordinance was adopted on December 13, 1993
20 by the Village of Crete.

21 (91) If the ordinance was adopted on February 12, 2001
22 by the Village of Crete.

23 (92) If the ordinance was adopted on April 23, 2001 by
24 the Village of Crete.

25 (93) If the ordinance was adopted on December 16, 1986
26 by the City of Champaign.

1 (94) If the ordinance was adopted on December 20, 1986
2 by the City of Charleston.

3 (95) If the ordinance was adopted on June 6, 1989 by
4 the Village of Romeoville.

5 (96) If the ordinance was adopted on October 14, 1993
6 and amended on August 2, 2010 by the City of Venice.

7 (97) If the ordinance was adopted on June 1, 1994 by
8 the City of Markham.

9 (98) If the ordinance was adopted on May 19, 1998 by
10 the Village of Bensenville.

11 (99) If the ordinance was adopted on November 12, 1987
12 by the City of Dixon.

13 (100) If the ordinance was adopted on December 20, 1988
14 by the Village of Lansing.

15 (101) If the ordinance was adopted on October 27, 1998
16 by the City of Moline.

17 (102) If the ordinance was adopted on May 21, 1991 by
18 the Village of Glenwood.

19 (103) If the ordinance was adopted on January 28, 1992
20 by the City of East Peoria.

21 (104) If the ordinance was adopted on December 14, 1998
22 by the City of Carlyle.

23 (105) If the ordinance was adopted on May 17, 2000, as
24 subsequently amended, by the City of Chicago to create the
25 Midwest Redevelopment TIF District.

26 (106) If the ordinance was adopted on September 13,

1 1989 by the City of Chicago to create the Michigan/Cermak
2 Area TIF District.

3 (107) If the ordinance was adopted on March 30, 1992 by
4 the Village of Ohio.

5 (108) If the ordinance was adopted on July 6, 1998 by
6 the Village of Orangeville.

7 (109) If the ordinance was adopted on December 16, 1997
8 by the Village of Germantown.

9 (110) If the ordinance was adopted on April 28, 2003 by
10 Gibson City.

11 (111) If the ordinance was adopted on December 18, 1990
12 by the Village of Washington Park, but only after the
13 Village of Washington Park becomes compliant with the
14 reporting requirements under subsection (d) of Section
15 11-74.4-5, and after the State Comptroller's certification
16 of such compliance.

17 (112) If the ordinance was adopted on February 28, 2000
18 by the City of Harvey.

19 (113) If the ordinance was adopted on January 11, 1991
20 by the City of Chicago to create the Read/Dunning TIF
21 District.

22 (114) If the ordinance was adopted on July 24, 1991 by
23 the City of Chicago to create the Sanitary and Ship Canal
24 TIF District.

25 (115) If the ordinance was adopted on December 4, 2007
26 by the City of Naperville.

1 (116) If the ordinance was adopted on July 1, 2002 by
2 the Village of Arlington Heights.

3 (117) If the ordinance was adopted on February 11, 1991
4 by the Village of Machesney Park.

5 (118) If the ordinance was adopted on December 29, 1993
6 by the City of Ottawa.

7 (119) If the ordinance was adopted on June 4, 1991 by
8 the Village of Lansing.

9 (120) If the ordinance was adopted on February 10, 2004
10 by the Village of Fox Lake.

11 (121) If the ordinance was adopted on December 22, 1992
12 by the City of Fairfield.

13 (122) If the ordinance was adopted on February 10, 1992
14 by the City of Mt. Sterling.

15 (123) If the ordinance was adopted on March 15, 2004 by
16 the City of Batavia.

17 (124) If the ordinance was adopted on March 18, 2002 by
18 the Village of Lake Zurich.

19 (125) If the ordinance was adopted on September 23,
20 1997 by the City of Granite City.

21 (126) If the ordinance was adopted on May 8, 2013 by
22 the Village of Rosemont to create the Higgins Road/River
23 Road TIF District No. 6.

24 (127) If the ordinance was adopted on November 22, 1993
25 by the City of Arcola.

26 (128) If the ordinance was adopted on September 7, 2004

1 by the City of Arcola.

2 (129) If the ordinance was adopted on November 29, 1999
3 by the City of Paris.

4 (130) If the ordinance was adopted on September 20,
5 1994 by the City of Ottawa to create the U.S. Route 6 East
6 Ottawa TIF.

7 (131) If the ordinance was adopted on May 2, 2002 by
8 the Village of Crestwood.

9 (132) If the ordinance was adopted on October 27, 1992
10 by the City of Blue Island.

11 (133) If the ordinance was adopted on December 23, 1993
12 by the City of Lacon.

13 (134) If the ordinance was adopted on May 4, 1998 by
14 the Village of Bradford.

15 (135) If the ordinance was adopted on June 11, 2002 by
16 the City of Oak Forest.

17 (136) If the ordinance was adopted on November 16, 1992
18 by the City of Pinckneyville.

19 (137) If the ordinance was adopted on March 1, 2001 by
20 the Village of South Jacksonville.

21 (138) If the ordinance was adopted on February 26, 1992
22 by the City of Chicago to create the Stockyards Southeast
23 Quadrant TIF District.

24 (139) If the ordinance was adopted on January 25, 1993
25 by the City of LaSalle.

26 (140) If the ordinance was adopted on December 23, 1997

1 by the Village of Dieterich.

2 (141) If the ordinance was adopted on February 10, 2016
3 by the Village of Rosemont to create the Balmoral/Pearl TIF
4 No. 8 Tax Increment Financing Redevelopment Project Area.

5 (142) ~~(132)~~ If the ordinance was adopted on June 11,
6 2002 by the City of Oak Forest.

7 (d) For redevelopment project areas for which bonds were
8 issued before July 29, 1991, or for which contracts were
9 entered into before June 1, 1988, in connection with a
10 redevelopment project in the area within the State Sales Tax
11 Boundary, the estimated dates of completion of the
12 redevelopment project and retirement of obligations to finance
13 redevelopment project costs (including refunding bonds under
14 Section 11-74.4-7) may be extended by municipal ordinance to
15 December 31, 2013. The termination procedures of subsection (b)
16 of Section 11-74.4-8 are not required for these redevelopment
17 project areas in 2009 but are required in 2013. The extension
18 allowed by Public Act 87-1272 shall not apply to real property
19 tax increment allocation financing under Section 11-74.4-8.

20 (e) Those dates, for purposes of real property tax
21 increment allocation financing pursuant to Section 11-74.4-8
22 only, shall be not more than 35 years for redevelopment project
23 areas that were adopted on or after December 16, 1986 and for
24 which at least \$8 million worth of municipal bonds were
25 authorized on or after December 19, 1989 but before January 1,
26 1990; provided that the municipality elects to extend the life

1 of the redevelopment project area to 35 years by the adoption
2 of an ordinance after at least 14 but not more than 30 days'
3 written notice to the taxing bodies, that would otherwise
4 constitute the joint review board for the redevelopment project
5 area, before the adoption of the ordinance.

6 (f) Those dates, for purposes of real property tax
7 increment allocation financing pursuant to Section 11-74.4-8
8 only, shall be not more than 35 years for redevelopment project
9 areas that were established on or after December 1, 1981 but
10 before January 1, 1982 and for which at least \$1,500,000 worth
11 of tax increment revenue bonds were authorized on or after
12 September 30, 1990 but before July 1, 1991; provided that the
13 municipality elects to extend the life of the redevelopment
14 project area to 35 years by the adoption of an ordinance after
15 at least 14 but not more than 30 days' written notice to the
16 taxing bodies, that would otherwise constitute the joint review
17 board for the redevelopment project area, before the adoption
18 of the ordinance.

19 (f-5) Those dates, for purposes of real property tax
20 increment allocation financing pursuant to Section 11-74.4-8
21 only, shall be not more than 47 years for redevelopment project
22 areas that were established on December 29, 1981 by the City of
23 Springfield; provided that (i) the City ~~city~~ of Springfield
24 adopts an ordinance extending the life of the redevelopment
25 project area to 47 years and (ii) the City of Springfield
26 provides notice to the taxing bodies that would otherwise

1 constitute the joint review board for the redevelopment project
2 area not more than 30 and not less than 14 days prior to the
3 adoption of that ordinance.

4 (g) In consolidating the material relating to completion
5 dates from Sections 11-74.4-3 and 11-74.4-7 into this Section,
6 it is not the intent of the General Assembly to make any
7 substantive change in the law, except for the extension of the
8 completion dates for the City of Aurora, the Village of Milan,
9 the City of West Frankfort, the Village of Libertyville, and
10 the Village of Hoffman Estates set forth under items (67),
11 (68), (69), (70), and (71) of subsection (c) of this Section.

12 (Source: P.A. 98-109, eff. 7-25-13; 98-135, eff. 8-2-13;
13 98-230, eff. 8-9-13; 98-463, eff. 8-16-13; 98-614, eff.
14 12-27-13; 98-667, eff. 6-25-14; 98-889, eff. 8-15-14; 98-893,
15 eff. 8-15-14; 98-1064, eff. 8-26-14; 98-1136, eff. 12-29-14;
16 98-1153, eff. 1-9-15; 98-1157, eff. 1-9-15; 98-1159, eff.
17 1-9-15; 99-78, eff. 7-20-15; 99-136, eff. 7-24-15; 99-263, eff.
18 8-4-15; 99-361, eff. 1-1-16; 99-394, eff. 8-18-15; 99-495, eff.
19 12-17-15; 99-508, eff. 6-24-16; 99-792, eff. 8-12-16; revised
20 9-22-16.)

21 (65 ILCS 5/11-74.4-6) (from Ch. 24, par. 11-74.4-6)

22 Sec. 11-74.4-6. (a) Except as provided herein, notice of
23 the public hearing shall be given by publication and mailing;
24 provided, however, that no notice by mailing shall be required
25 under this subsection (a) with respect to any redevelopment

1 project area located within a transit facility improvement area
2 established pursuant to Section 11-74.4-3.3. Notice by
3 publication shall be given by publication at least twice, the
4 first publication to be not more than 30 nor less than 10 days
5 prior to the hearing in a newspaper of general circulation
6 within the taxing districts having property in the proposed
7 redevelopment project area. Notice by mailing shall be given by
8 depositing such notice in the United States mails by certified
9 mail addressed to the person or persons in whose name the
10 general taxes for the last preceding year were paid on each
11 lot, block, tract, or parcel of land lying within the project
12 redevelopment area. Said notice shall be mailed not less than
13 10 days prior to the date set for the public hearing. In the
14 event taxes for the last preceding year were not paid, the
15 notice shall also be sent to the persons last listed on the tax
16 rolls within the preceding 3 years as the owners of such
17 property. For redevelopment project areas with redevelopment
18 plans or proposed redevelopment plans that would require
19 removal of 10 or more inhabited residential units or that
20 contain 75 or more inhabited residential units, the
21 municipality shall make a good faith effort to notify by mail
22 all residents of the redevelopment project area. At a minimum,
23 the municipality shall mail a notice to each residential
24 address located within the redevelopment project area. The
25 municipality shall endeavor to ensure that all such notices are
26 effectively communicated and shall include (in addition to

1 notice in English) notice in the predominant language other
2 than English when appropriate.

3 (b) The notices issued pursuant to this Section shall
4 include the following:

5 (1) The time and place of public hearing.

6 (2) The boundaries of the proposed redevelopment
7 project area by legal description and by street location
8 where possible.

9 (3) A notification that all interested persons will be
10 given an opportunity to be heard at the public hearing.

11 (4) A description of the redevelopment plan or
12 redevelopment project for the proposed redevelopment
13 project area if a plan or project is the subject matter of
14 the hearing.

15 (5) Such other matters as the municipality may deem
16 appropriate.

17 (c) Not less than 45 days prior to the date set for
18 hearing, the municipality shall give notice by mail as provided
19 in subsection (a) to all taxing districts of which taxable
20 property is included in the redevelopment project area, project
21 or plan and to the Department of Commerce and Economic
22 Opportunity, and in addition to the other requirements under
23 subsection (b) the notice shall include an invitation to the
24 Department of Commerce and Economic Opportunity and each taxing
25 district to submit comments to the municipality concerning the
26 subject matter of the hearing prior to the date of hearing.

1 (d) In the event that any municipality has by ordinance
2 adopted tax increment financing prior to 1987, and has complied
3 with the notice requirements of this Section, except that the
4 notice has not included the requirements of subsection (b),
5 paragraphs (2), (3) and (4), and within 90 days of December 16,
6 1991 (the effective date of Public Act 87-813) ~~this amendatory~~
7 ~~Act of 1991~~, that municipality passes an ordinance which
8 contains findings that: (1) all taxing districts prior to the
9 time of the hearing required by Section 11-74.4-5 were
10 furnished with copies of a map incorporated into the
11 redevelopment plan and project substantially showing the legal
12 boundaries of the redevelopment project area; (2) the
13 redevelopment plan and project, or a draft thereof, contained a
14 map substantially showing the legal boundaries of the
15 redevelopment project area and was available to the public at
16 the time of the hearing; and (3) since the adoption of any form
17 of tax increment financing authorized by this Act, and prior to
18 June 1, 1991, no objection or challenge has been made in
19 writing to the municipality in respect to the notices required
20 by this Section, then the municipality shall be deemed to have
21 met the notice requirements of this Act and all actions of the
22 municipality taken in connection with such notices as were
23 given are hereby validated and hereby declared to be legally
24 sufficient for all purposes of this Act.

25 (e) If a municipality desires to propose a redevelopment
26 plan for a redevelopment project area that would result in the

1 displacement of residents from 10 or more inhabited residential
2 units or for a redevelopment project area that contains 75 or
3 more inhabited residential units, the municipality shall hold a
4 public meeting before the mailing of the notices of public
5 hearing as provided in subsection (c) of this Section. However,
6 such a meeting shall be required for any redevelopment plan for
7 a redevelopment project area located within a transit facility
8 improvement area established pursuant to Section 11-74.4-3.3
9 if the applicable project is subject to the process for
10 evaluation of environmental effects under the National
11 Environmental Policy Act of 1969, 42 U.S.C. § 4321 et seq. The
12 meeting shall be for the purpose of enabling the municipality
13 to advise the public, taxing districts having real property in
14 the redevelopment project area, taxpayers who own property in
15 the proposed redevelopment project area, and residents in the
16 area as to the municipality's possible intent to prepare a
17 redevelopment plan and designate a redevelopment project area
18 and to receive public comment. The time and place for the
19 meeting shall be set by the head of the municipality's
20 Department of Planning or other department official designated
21 by the mayor or city or village manager without the necessity
22 of a resolution or ordinance of the municipality and may be
23 held by a member of the staff of the Department of Planning of
24 the municipality or by any other person, body, or commission
25 designated by the corporate authorities. The meeting shall be
26 held at least 14 business days before the mailing of the notice

1 of public hearing provided for in subsection (c) of this
2 Section.

3 Notice of the public meeting shall be given by mail. Notice
4 by mail shall be not less than 15 days before the date of the
5 meeting and shall be sent by certified mail to all taxing
6 districts having real property in the proposed redevelopment
7 project area and to all entities requesting that information
8 that have registered with a person and department designated by
9 the municipality in accordance with registration guidelines
10 established by the municipality pursuant to Section
11 11-74.4-4.2. The municipality shall make a good faith effort to
12 notify all residents and the last known persons who paid
13 property taxes on real estate in a redevelopment project area.
14 This requirement shall be deemed to be satisfied if the
15 municipality mails, by regular mail, a notice to each
16 residential address and the person or persons in whose name
17 property taxes were paid on real property for the last
18 preceding year located within the redevelopment project area.
19 Notice shall be in languages other than English when
20 appropriate. The notices issued under this subsection shall
21 include the following:

22 (1) The time and place of the meeting.

23 (2) The boundaries of the area to be studied for
24 possible designation as a redevelopment project area by
25 street and location.

26 (3) The purpose or purposes of establishing a

1 redevelopment project area.

2 (4) A brief description of tax increment financing.

3 (5) The name, telephone number, and address of the
4 person who can be contacted for additional information
5 about the proposed redevelopment project area and who
6 should receive all comments and suggestions regarding the
7 development of the area to be studied.

8 (6) Notification that all interested persons will be
9 given an opportunity to be heard at the public meeting.

10 (7) Such other matters as the municipality deems
11 appropriate.

12 At the public meeting, any interested person or
13 representative of an affected taxing district may be heard
14 orally and may file, with the person conducting the meeting,
15 statements that pertain to the subject matter of the meeting.

16 (Source: P.A. 99-792, eff. 8-12-16; revised 10-31-16.)

17 (65 ILCS 5/11-74.4-8a) (from Ch. 24, par. 11-74.4-8a)

18 Sec. 11-74.4-8a. (1) Until June 1, 1988, a municipality
19 which has adopted tax increment allocation financing prior to
20 January 1, 1987, may by ordinance (1) authorize the Department
21 of Revenue, subject to appropriation, to annually certify and
22 cause to be paid from the Illinois Tax Increment Fund to such
23 municipality for deposit in the municipality's special tax
24 allocation fund an amount equal to the Net State Sales Tax
25 Increment and (2) authorize the Department of Revenue to

1 annually notify the municipality of the amount of the Municipal
2 Sales Tax Increment which shall be deposited by the
3 municipality in the municipality's special tax allocation
4 fund. Provided that for purposes of this Section no amendments
5 adding additional area to the redevelopment project area which
6 has been certified as the State Sales Tax Boundary shall be
7 taken into account if such amendments are adopted by the
8 municipality after January 1, 1987. If an amendment is adopted
9 which decreases the area of a State Sales Tax Boundary, the
10 municipality shall update the list required by subsection
11 (3)(a) of this Section. The Retailers' Occupation Tax
12 liability, Use Tax liability, Service Occupation Tax liability
13 and Service Use Tax liability for retailers and servicemen
14 located within the disconnected area shall be excluded from the
15 base from which tax increments are calculated and the revenue
16 from any such retailer or serviceman shall not be included in
17 calculating incremental revenue payable to the municipality. A
18 municipality adopting an ordinance under this subsection (1) of
19 this Section for a redevelopment project area which is
20 certified as a State Sales Tax Boundary shall not be entitled
21 to payments of State taxes authorized under subsection (2) of
22 this Section for the same redevelopment project area. Nothing
23 herein shall be construed to prevent a municipality from
24 receiving payment of State taxes authorized under subsection
25 (2) of this Section for a separate redevelopment project area
26 that does not overlap in any way with the State Sales Tax

1 Boundary receiving payments of State taxes pursuant to
2 subsection (1) of this Section.

3 A certified copy of such ordinance shall be submitted by
4 the municipality to the Department of Commerce and Economic
5 Opportunity and the Department of Revenue not later than 30
6 days after the effective date of the ordinance. Upon submission
7 of the ordinances, and the information required pursuant to
8 subsection 3 of this Section, the Department of Revenue shall
9 promptly determine the amount of such taxes paid under the
10 Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax
11 Act, the Service Occupation Tax Act, the Municipal Retailers'
12 Occupation Tax Act and the Municipal Service Occupation Tax Act
13 by retailers and servicemen on transactions at places located
14 in the redevelopment project area during the base year, and
15 shall certify all the foregoing "initial sales tax amounts" to
16 the municipality within 60 days of submission of the list
17 required of subsection (3) (a) of this Section.

18 If a retailer or serviceman with a place of business
19 located within a redevelopment project area also has one or
20 more other places of business within the municipality but
21 outside the redevelopment project area, the retailer or
22 serviceman shall, upon request of the Department of Revenue,
23 certify to the Department of Revenue the amount of taxes paid
24 pursuant to the Retailers' Occupation Tax Act, the Municipal
25 Retailers' Occupation Tax Act, the Service Occupation Tax Act
26 and the Municipal Service Occupation Tax Act at each place of

1 business which is located within the redevelopment project area
2 in the manner and for the periods of time requested by the
3 Department of Revenue.

4 When the municipality determines that a portion of an
5 increase in the aggregate amount of taxes paid by retailers and
6 servicemen under the Retailers' Occupation Tax Act, Use Tax
7 Act, Service Use Tax Act, or the Service Occupation Tax Act is
8 the result of a retailer or serviceman initiating retail or
9 service operations in the redevelopment project area by such
10 retailer or serviceman with a resulting termination of retail
11 or service operations by such retailer or serviceman at another
12 location in Illinois in the standard metropolitan statistical
13 area of such municipality, the Department of Revenue shall be
14 notified that the retailers occupation tax liability, use tax
15 liability, service occupation tax liability, or service use tax
16 liability from such retailer's or serviceman's terminated
17 operation shall be included in the base Initial Sales Tax
18 Amounts from which the State Sales Tax Increment is calculated
19 for purposes of State payments to the affected municipality;
20 provided, however, for purposes of this paragraph
21 "termination" shall mean a closing of a retail or service
22 operation which is directly related to the opening of the same
23 retail or service operation in a redevelopment project area
24 which is included within a State Sales Tax Boundary, but it
25 shall not include retail or service operations closed for
26 reasons beyond the control of the retailer or serviceman, as

1 determined by the Department.

2 If the municipality makes the determination referred to in
3 the prior paragraph and notifies the Department and if the
4 relocation is from a location within the municipality, the
5 Department, at the request of the municipality, shall adjust
6 the certified aggregate amount of taxes that constitute the
7 Municipal Sales Tax Increment paid by retailers and servicemen
8 on transactions at places of business located within the State
9 Sales Tax Boundary during the base year using the same
10 procedures as are employed to make the adjustment referred to
11 in the prior paragraph. The adjusted Municipal Sales Tax
12 Increment calculated by the Department shall be sufficient to
13 satisfy the requirements of subsection (1) of this Section.

14 When a municipality which has adopted tax increment
15 allocation financing in 1986 determines that a portion of the
16 aggregate amount of taxes paid by retailers and servicemen
17 under the Retailers Occupation Tax Act, Use Tax Act, Service
18 Use Tax Act, or Service Occupation Tax Act, the Municipal
19 Retailers' Occupation Tax Act and the Municipal Service
20 Occupation Tax Act, includes revenue of a retailer or
21 serviceman which terminated retailer or service operations in
22 1986, prior to the adoption of tax increment allocation
23 financing, the Department of Revenue shall be notified by such
24 municipality that the retailers' occupation tax liability, use
25 tax liability, service occupation tax liability or service use
26 tax liability, from such retailer's or serviceman's terminated

1 operations shall be excluded from the Initial Sales Tax Amounts
2 for such taxes. The revenue from any such retailer or
3 serviceman which is excluded from the base year under this
4 paragraph, shall not be included in calculating incremental
5 revenues if such retailer or serviceman reestablishes such
6 business in the redevelopment project area.

7 For State fiscal year 1992, the Department of Revenue shall
8 budget, and the Illinois General Assembly shall appropriate
9 from the Illinois Tax Increment Fund in the State treasury, an
10 amount not to exceed \$18,000,000 to pay to each eligible
11 municipality the Net State Sales Tax Increment to which such
12 municipality is entitled.

13 Beginning on January 1, 1993, each municipality's
14 proportional share of the Illinois Tax Increment Fund shall be
15 determined by adding the annual Net State Sales Tax Increment
16 and the annual Net Utility Tax Increment to determine the
17 Annual Total Increment. The ratio of the Annual Total Increment
18 of each municipality to the Annual Total Increment for all
19 municipalities, as most recently calculated by the Department,
20 shall determine the proportional shares of the Illinois Tax
21 Increment Fund to be distributed to each municipality.

22 Beginning in October, 1993, and each January, April, July
23 and October thereafter, the Department of Revenue shall certify
24 to the Treasurer and the Comptroller the amounts payable
25 quarter annually during the fiscal year to each municipality
26 under this Section. The Comptroller shall promptly then draw

1 warrants, ordering the State Treasurer to pay such amounts from
2 the Illinois Tax Increment Fund in the State treasury.

3 The Department of Revenue shall utilize the same periods
4 established for determining State Sales Tax Increment to
5 determine the Municipal Sales Tax Increment for the area within
6 a State Sales Tax Boundary and certify such amounts to such
7 municipal treasurer who shall transfer such amounts to the
8 special tax allocation fund.

9 The provisions of this subsection (1) do not apply to
10 additional municipal retailers' occupation or service
11 occupation taxes imposed by municipalities using their home
12 rule powers or imposed pursuant to Sections 8-11-1.3, 8-11-1.4
13 and 8-11-1.5 of this Act. A municipality shall not receive from
14 the State any share of the Illinois Tax Increment Fund unless
15 such municipality deposits all its Municipal Sales Tax
16 Increment and the local incremental real property tax revenues,
17 as provided herein, into the appropriate special tax allocation
18 fund. If, however, a municipality has extended the estimated
19 dates of completion of the redevelopment project and retirement
20 of obligations to finance redevelopment project costs by
21 municipal ordinance to December 31, 2013 under subsection (n)
22 of Section 11-74.4-3, then that municipality shall continue to
23 receive from the State a share of the Illinois Tax Increment
24 Fund so long as the municipality deposits, from any funds
25 available, excluding funds in the special tax allocation fund,
26 an amount equal to the municipal share of the real property tax

1 increment revenues into the special tax allocation fund during
2 the extension period. The amount to be deposited by the
3 municipality in each of the tax years affected by the extension
4 to December 31, 2013 shall be equal to the municipal share of
5 the property tax increment deposited into the special tax
6 allocation fund by the municipality for the most recent year
7 that the property tax increment was distributed. A municipality
8 located within an economic development project area created
9 under the County Economic Development Project Area Property Tax
10 Allocation Act which has abated any portion of its property
11 taxes which otherwise would have been deposited in its special
12 tax allocation fund shall not receive from the State the Net
13 Sales Tax Increment.

14 (2) A municipality which has adopted tax increment
15 allocation financing with regard to an industrial park or
16 industrial park conservation area, prior to January 1, 1988,
17 may by ordinance authorize the Department of Revenue to
18 annually certify and pay from the Illinois Tax Increment Fund
19 to such municipality for deposit in the municipality's special
20 tax allocation fund an amount equal to the Net State Utility
21 Tax Increment. Provided that for purposes of this Section no
22 amendments adding additional area to the redevelopment project
23 area shall be taken into account if such amendments are adopted
24 by the municipality after January 1, 1988. Municipalities
25 adopting an ordinance under this subsection (2) of this Section
26 for a redevelopment project area shall not be entitled to

1 payment of State taxes authorized under subsection (1) of this
2 Section for the same redevelopment project area which is within
3 a State Sales Tax Boundary. Nothing herein shall be construed
4 to prevent a municipality from receiving payment of State taxes
5 authorized under subsection (1) of this Section for a separate
6 redevelopment project area within a State Sales Tax Boundary
7 that does not overlap in any way with the redevelopment project
8 area receiving payments of State taxes pursuant to subsection
9 (2) of this Section.

10 A certified copy of such ordinance shall be submitted to
11 the Department of Commerce and Economic Opportunity and the
12 Department of Revenue not later than 30 days after the
13 effective date of the ordinance.

14 When a municipality determines that a portion of an
15 increase in the aggregate amount of taxes paid by industrial or
16 commercial facilities under the Public Utilities Act, is the
17 result of an industrial or commercial facility initiating
18 operations in the redevelopment project area with a resulting
19 termination of such operations by such industrial or commercial
20 facility at another location in Illinois, the Department of
21 Revenue shall be notified by such municipality that such
22 industrial or commercial facility's liability under the Public
23 Utility Tax Act shall be included in the base from which tax
24 increments are calculated for purposes of State payments to the
25 affected municipality.

26 After receipt of the calculations by the public utility as

1 required by subsection (4) of this Section, the Department of
2 Revenue shall annually budget and the Illinois General Assembly
3 shall annually appropriate from the General Revenue Fund
4 through State Fiscal Year 1989, and thereafter from the
5 Illinois Tax Increment Fund, an amount sufficient to pay to
6 each eligible municipality the amount of incremental revenue
7 attributable to State electric and gas taxes as reflected by
8 the charges imposed on persons in the project area to which
9 such municipality is entitled by comparing the preceding
10 calendar year with the base year as determined by this Section.
11 Beginning on January 1, 1993, each municipality's proportional
12 share of the Illinois Tax Increment Fund shall be determined by
13 adding the annual Net State Utility Tax Increment and the
14 annual Net Utility Tax Increment to determine the Annual Total
15 Increment. The ratio of the Annual Total Increment of each
16 municipality to the Annual Total Increment for all
17 municipalities, as most recently calculated by the Department,
18 shall determine the proportional shares of the Illinois Tax
19 Increment Fund to be distributed to each municipality.

20 A municipality shall not receive any share of the Illinois
21 Tax Increment Fund from the State unless such municipality
22 imposes the maximum municipal charges authorized pursuant to
23 Section 9-221 of the Public Utilities Act and deposits all
24 municipal utility tax incremental revenues as certified by the
25 public utilities, and all local real estate tax increments into
26 such municipality's special tax allocation fund.

1 (3) Within 30 days after the adoption of the ordinance
2 required by either subsection (1) or subsection (2) of this
3 Section, the municipality shall transmit to the Department of
4 Commerce and Economic Opportunity and the Department of Revenue
5 the following:

6 (a) if applicable, a certified copy of the ordinance
7 required by subsection (1) accompanied by a complete list
8 of street names and the range of street numbers of each
9 street located within the redevelopment project area for
10 which payments are to be made under this Section in both
11 the base year and in the year preceding the payment year;
12 and the addresses of persons registered with the Department
13 of Revenue; and, the name under which each such retailer or
14 serviceman conducts business at that address, if different
15 from the corporate name; and the Illinois Business Tax
16 Number of each such person (The municipality shall update
17 this list in the event of a revision of the redevelopment
18 project area, or the opening or closing or name change of
19 any street or part thereof in the redevelopment project
20 area, or if the Department of Revenue informs the
21 municipality of an addition or deletion pursuant to the
22 monthly updates given by the Department.);

23 (b) if applicable, a certified copy of the ordinance
24 required by subsection (2) accompanied by a complete list
25 of street names and range of street numbers of each street
26 located within the redevelopment project area, the utility

1 customers in the project area, and the utilities serving
2 the redevelopment project areas;

3 (c) certified copies of the ordinances approving the
4 redevelopment plan and designating the redevelopment
5 project area;

6 (d) a copy of the redevelopment plan as approved by the
7 municipality;

8 (e) an opinion of legal counsel that the municipality
9 had complied with the requirements of this Act; and

10 (f) a certification by the chief executive officer of
11 the municipality that with regard to a redevelopment
12 project area: (1) the municipality has committed all of the
13 municipal tax increment created pursuant to this Act for
14 deposit in the special tax allocation fund, (2) the
15 redevelopment projects described in the redevelopment plan
16 would not be completed without the use of State incremental
17 revenues pursuant to this Act, (3) the municipality will
18 pursue the implementation of the redevelopment plan in an
19 expeditious manner, (4) the incremental revenues created
20 pursuant to this Section will be exclusively utilized for
21 the development of the redevelopment project area, and (5)
22 the increased revenue created pursuant to this Section
23 shall be used exclusively to pay redevelopment project
24 costs as defined in this Act.

25 (4) The Department of Revenue upon receipt of the
26 information set forth in paragraph (b) of subsection (3) shall

1 immediately forward such information to each public utility
2 furnishing natural gas or electricity to buildings within the
3 redevelopment project area. Upon receipt of such information,
4 each public utility shall promptly:

5 (a) provide to the Department of Revenue and the
6 municipality separate lists of the names and addresses of
7 persons within the redevelopment project area receiving
8 natural gas or electricity from such public utility. Such
9 list shall be updated as necessary by the public utility.
10 Each month thereafter the public utility shall furnish the
11 Department of Revenue and the municipality with an itemized
12 listing of charges imposed pursuant to Sections 9-221 and
13 9-222 of the Public Utilities Act on persons within the
14 redevelopment project area.

15 (b) determine the amount of charges imposed pursuant to
16 Sections 9-221 and 9-222 of the Public Utilities Act on
17 persons in the redevelopment project area during the base
18 year, both as a result of municipal taxes on electricity
19 and gas and as a result of State taxes on electricity and
20 gas and certify such amounts both to the municipality and
21 the Department of Revenue; and

22 (c) determine the amount of charges imposed pursuant to
23 Sections 9-221 and 9-222 of the Public Utilities Act on
24 persons in the redevelopment project area on a monthly
25 basis during the base year, both as a result of State and
26 municipal taxes on electricity and gas and certify such

1 separate amounts both to the municipality and the
2 Department of Revenue.

3 After the determinations are made in paragraphs (b) and
4 (c), the public utility shall monthly during the existence of
5 the redevelopment project area notify the Department of Revenue
6 and the municipality of any increase in charges over the base
7 year determinations made pursuant to paragraphs (b) and (c).

8 (5) The payments authorized under this Section shall be
9 deposited by the municipal treasurer in the special tax
10 allocation fund of the municipality, which for accounting
11 purposes shall identify the sources of each payment as:
12 municipal receipts from the State retailers occupation,
13 service occupation, use and service use taxes; and municipal
14 public utility taxes charged to customers under the Public
15 Utilities Act and State public utility taxes charged to
16 customers under the Public Utilities Act.

17 (6) Before the effective date of this amendatory Act of the
18 91st General Assembly, any municipality receiving payments
19 authorized under this Section for any redevelopment project
20 area or area within a State Sales Tax Boundary within the
21 municipality shall submit to the Department of Revenue and to
22 the taxing districts which are sent the notice required by
23 Section 6 of this Act annually within 180 days after the close
24 of each municipal fiscal year the following information for the
25 immediately preceding fiscal year:

26 (a) Any amendments to the redevelopment plan, the

1 redevelopment project area, or the State Sales Tax
2 Boundary.

3 (b) Audited financial statements of the special tax
4 allocation fund.

5 (c) Certification of the Chief Executive Officer of the
6 municipality that the municipality has complied with all of
7 the requirements of this Act during the preceding fiscal
8 year.

9 (d) An opinion of legal counsel that the municipality
10 is in compliance with this Act.

11 (e) An analysis of the special tax allocation fund
12 which sets forth:

13 (1) the balance in the special tax allocation fund
14 at the beginning of the fiscal year;

15 (2) all amounts deposited in the special tax
16 allocation fund by source;

17 (3) all expenditures from the special tax
18 allocation fund by category of permissible
19 redevelopment project cost; and

20 (4) the balance in the special tax allocation fund
21 at the end of the fiscal year including a breakdown of
22 that balance by source. Such ending balance shall be
23 designated as surplus if it is not required for
24 anticipated redevelopment project costs or to pay debt
25 service on bonds issued to finance redevelopment
26 project costs, as set forth in Section 11-74.4-7

1 hereof.

2 (f) A description of all property purchased by the
3 municipality within the redevelopment project area
4 including:

- 5 1. Street address
- 6 2. Approximate size or description of property
- 7 3. Purchase price
- 8 4. Seller of property.

9 (g) A statement setting forth all activities
10 undertaken in furtherance of the objectives of the
11 redevelopment plan, including:

- 12 1. Any project implemented in the preceding fiscal
13 year
- 14 2. A description of the redevelopment activities
15 undertaken
- 16 3. A description of any agreements entered into by
17 the municipality with regard to the disposition or
18 redevelopment of any property within the redevelopment
19 project area or the area within the State Sales Tax
20 Boundary.

21 (h) With regard to any obligations issued by the
22 municipality:

- 23 1. copies of bond ordinances or resolutions
- 24 2. copies of any official statements
- 25 3. an analysis prepared by financial advisor or
26 underwriter setting forth: (a) nature and term of

1 obligation; and (b) projected debt service including
2 required reserves and debt coverage.

3 (i) A certified audit report reviewing compliance with
4 this statute performed by an independent public accountant
5 certified and licensed by the authority of the State of
6 Illinois. The financial portion of the audit must be
7 conducted in accordance with Standards for Audits of
8 Governmental Organizations, Programs, Activities, and
9 Functions adopted by the Comptroller General of the United
10 States (1981), as amended. The audit report shall contain a
11 letter from the independent certified public accountant
12 indicating compliance or noncompliance with the
13 requirements of subsection (q) of Section 11-74.4-3. If the
14 audit indicates that expenditures are not in compliance
15 with the law, the Department of Revenue shall withhold
16 State sales and utility tax increment payments to the
17 municipality until compliance has been reached, and an
18 amount equal to the ineligible expenditures has been
19 returned to the Special Tax Allocation Fund.

20 (6.1) After July 29, 1988 and before the effective date of
21 this amendatory Act of the 91st General Assembly, any funds
22 which have not been designated for use in a specific
23 development project in the annual report shall be designated as
24 surplus. No funds may be held in the Special Tax Allocation
25 Fund for more than 36 months from the date of receipt unless
26 the money is required for payment of contractual obligations

1 for specific development project costs. If held for more than
2 36 months in violation of the preceding sentence, such funds
3 shall be designated as surplus. Any funds designated as surplus
4 must first be used for early redemption of any bond
5 obligations. Any funds designated as surplus which are not
6 disposed of as otherwise provided in this paragraph, shall be
7 distributed as surplus as provided in Section 11-74.4-7.

8 (7) Any appropriation made pursuant to this Section for the
9 1987 State fiscal year shall not exceed the amount of \$7
10 million and for the 1988 State fiscal year the amount of \$10
11 million. The amount which shall be distributed to each
12 municipality shall be the incremental revenue to which each
13 municipality is entitled as calculated by the Department of
14 Revenue, unless the requests of the municipality exceed the
15 appropriation, then the amount to which each municipality shall
16 be entitled shall be prorated among the municipalities in the
17 same proportion as the increment to which the municipality
18 would be entitled bears to the total increment which all
19 municipalities would receive in the absence of this limitation,
20 provided that no municipality may receive an amount in excess
21 of 15% of the appropriation. For the 1987 Net State Sales Tax
22 Increment payable in Fiscal Year 1989, no municipality shall
23 receive more than 7.5% of the total appropriation; provided,
24 however, that any of the appropriation remaining after such
25 distribution shall be prorated among municipalities on the
26 basis of their pro rata share of the total increment. Beginning

1 on January 1, 1993, each municipality's proportional share of
2 the Illinois Tax Increment Fund shall be determined by adding
3 the annual Net State Sales Tax Increment and the annual Net
4 Utility Tax Increment to determine the Annual Total Increment.
5 The ratio of the Annual Total Increment of each municipality to
6 the Annual Total Increment for all municipalities, as most
7 recently calculated by the Department, shall determine the
8 proportional shares of the Illinois Tax Increment Fund to be
9 distributed to each municipality.

10 (7.1) No distribution of Net State Sales Tax Increment to a
11 municipality for an area within a State Sales Tax Boundary
12 shall exceed in any State Fiscal Year an amount equal to 3
13 times the sum of the Municipal Sales Tax Increment, the real
14 property tax increment and deposits of funds from other
15 sources, excluding state and federal funds, as certified by the
16 city treasurer to the Department of Revenue for an area within
17 a State Sales Tax Boundary. After July 29, 1988, for those
18 municipalities which issue bonds between June 1, 1988 and 3
19 years from July 29, 1988 to finance redevelopment projects
20 within the area in a State Sales Tax Boundary, the distribution
21 of Net State Sales Tax Increment during the 16th through 20th
22 years from the date of issuance of the bonds shall not exceed
23 in any State Fiscal Year an amount equal to 2 times the sum of
24 the Municipal Sales Tax Increment, the real property tax
25 increment and deposits of funds from other sources, excluding
26 State and federal funds.

1 (8) Any person who knowingly files or causes to be filed
2 false information for the purpose of increasing the amount of
3 any State tax incremental revenue commits a Class A
4 misdemeanor.

5 (9) The following procedures shall be followed to determine
6 whether municipalities have complied with the Act for the
7 purpose of receiving distributions after July 1, 1989 pursuant
8 to subsection (1) of this Section 11-74.4-8a.

9 (a) The Department of Revenue shall conduct a
10 preliminary review of the redevelopment project areas and
11 redevelopment plans pertaining to those municipalities
12 receiving payments from the State pursuant to subsection
13 (1) of Section 8a of this Act for the purpose of
14 determining compliance with the following standards:

15 (1) For any municipality with a population of more
16 than 12,000 as determined by the 1980 U.S. Census: (a)
17 the redevelopment project area, or in the case of a
18 municipality which has more than one redevelopment
19 project area, each such area, must be contiguous and
20 the total of all such areas shall not comprise more
21 than 25% of the area within the municipal boundaries
22 nor more than 20% of the equalized assessed value of
23 the municipality; (b) the aggregate amount of 1985
24 taxes in the redevelopment project area, or in the case
25 of a municipality which has more than one redevelopment
26 project area, the total of all such areas, shall be not

1 more than 25% of the total base year taxes paid by
2 retailers and servicemen on transactions at places of
3 business located within the municipality under the
4 Retailers' Occupation Tax Act, the Use Tax Act, the
5 Service Use Tax Act, and the Service Occupation Tax
6 Act. Redevelopment project areas created prior to 1986
7 are not subject to the above standards if their
8 boundaries were not amended in 1986.

9 (2) For any municipality with a population of
10 12,000 or less as determined by the 1980 U.S. Census:
11 (a) the redevelopment project area, or in the case of a
12 municipality which has more than one redevelopment
13 project area, each such area, must be contiguous and
14 the total of all such areas shall not comprise more
15 than 35% of the area within the municipal boundaries
16 nor more than 30% of the equalized assessed value of
17 the municipality; (b) the aggregate amount of 1985
18 taxes in the redevelopment project area, or in the case
19 of a municipality which has more than one redevelopment
20 project area, the total of all such areas, shall not be
21 more than 35% of the total base year taxes paid by
22 retailers and servicemen on transactions at places of
23 business located within the municipality under the
24 Retailers' Occupation Tax Act, the Use Tax Act, the
25 Service Use Tax Act, and the Service Occupation Tax
26 Act. Redevelopment project areas created prior to 1986

1 are not subject to the above standards if their
2 boundaries were not amended in 1986.

3 (3) Such preliminary review of the redevelopment
4 project areas applying the above standards shall be
5 completed by November 1, 1988, and on or before
6 November 1, 1988, the Department shall notify each
7 municipality by certified mail, return receipt
8 requested that either (1) the Department requires
9 additional time in which to complete its preliminary
10 review; or (2) the Department is issuing either (a) a
11 Certificate of Eligibility or (b) a Notice of Review.
12 If the Department notifies a municipality that it
13 requires additional time to complete its preliminary
14 investigation, it shall complete its preliminary
15 investigation no later than February 1, 1989, and by
16 February 1, 1989 shall issue to each municipality
17 either (a) a Certificate of Eligibility or (b) a Notice
18 of Review. A redevelopment project area for which a
19 Certificate of Eligibility has been issued shall be
20 deemed a "State Sales Tax Boundary."

21 (4) The Department of Revenue shall also issue a
22 Notice of Review if the Department has received a
23 request by November 1, 1988 to conduct such a review
24 from taxpayers in the municipality, local taxing
25 districts located in the municipality or the State of
26 Illinois, or if the redevelopment project area has more

1 than 5 retailers and has had growth in State sales tax
2 revenue of more than 15% from calendar year 1985 to
3 1986.

4 (b) For those municipalities receiving a Notice of
5 Review, the Department will conduct a secondary review
6 consisting of: (i) application of the above standards
7 contained in subsection (9)(a)(1)(a) and (b) or
8 (9)(a)(2)(a) and (b), and (ii) the definitions of blighted
9 and conservation area provided for in Section 11-74.4-3.
10 Such secondary review shall be completed by July 1, 1989.

11 Upon completion of the secondary review, the
12 Department will issue (a) a Certificate of Eligibility or
13 (b) a Preliminary Notice of Deficiency. Any municipality
14 receiving a Preliminary Notice of Deficiency may amend its
15 redevelopment project area to meet the standards and
16 definitions set forth in this paragraph (b). This amended
17 redevelopment project area shall become the "State Sales
18 Tax Boundary" for purposes of determining the State Sales
19 Tax Increment.

20 (c) If the municipality advises the Department of its
21 intent to comply with the requirements of paragraph (b) of
22 this subsection outlined in the Preliminary Notice of
23 Deficiency, within 120 days of receiving such notice from
24 the Department, the municipality shall submit
25 documentation to the Department of the actions it has taken
26 to cure any deficiencies. Thereafter, within 30 days of the

1 receipt of the documentation, the Department shall either
2 issue a Certificate of Eligibility or a Final Notice of
3 Deficiency. If the municipality fails to advise the
4 Department of its intent to comply or fails to submit
5 adequate documentation of such cure of deficiencies the
6 Department shall issue a Final Notice of Deficiency that
7 provides that the municipality is ineligible for payment of
8 the Net State Sales Tax Increment.

9 (d) If the Department issues a final determination of
10 ineligibility, the municipality shall have 30 days from the
11 receipt of determination to protest and request a hearing.
12 Such hearing shall be conducted in accordance with Sections
13 10-25, 10-35, 10-40, and 10-50 of the Illinois
14 Administrative Procedure Act. The decision following the
15 hearing shall be subject to review under the Administrative
16 Review Law.

17 (e) Any Certificate of Eligibility issued pursuant to
18 this subsection 9 shall be binding only on the State for
19 the purposes of establishing municipal eligibility to
20 receive revenue pursuant to subsection (1) of this Section
21 11-74.4-8a.

22 (f) It is the intent of this subsection that the
23 periods of time to cure deficiencies shall be in addition
24 to all other periods of time permitted by this Section,
25 regardless of the date by which plans were originally
26 required to be adopted. To cure said deficiencies, however,

1 the municipality shall be required to follow the procedures
2 and requirements pertaining to amendments, as provided in
3 Sections 11-74.4-5 and 11-74.4-6 of this Act.

4 (10) If a municipality adopts a State Sales Tax Boundary in
5 accordance with the provisions of subsection (9) of this
6 Section, such boundaries shall subsequently be utilized to
7 determine Revised Initial Sales Tax Amounts and the Net State
8 Sales Tax Increment; provided, however, that such revised State
9 Sales Tax Boundary shall not have any effect upon the boundary
10 of the redevelopment project area established for the purposes
11 of determining the ad valorem taxes on real property pursuant
12 to Sections 11-74.4-7 and 11-74.4-8 of this Act nor upon the
13 municipality's authority to implement the redevelopment plan
14 for that redevelopment project area. For any redevelopment
15 project area with a smaller State Sales Tax Boundary within its
16 area, the municipality may annually elect to deposit the
17 Municipal Sales Tax Increment for the redevelopment project
18 area in the special tax allocation fund and shall certify the
19 amount to the Department prior to receipt of the Net State
20 Sales Tax Increment. Any municipality required by subsection
21 (9) to establish a State Sales Tax Boundary for one or more of
22 its redevelopment project areas shall submit all necessary
23 information required by the Department concerning such
24 boundary and the retailers therein, by October 1, 1989, after
25 complying with the procedures for amendment set forth in
26 Sections 11-74.4-5 and 11-74.4-6 of this Act. Net State Sales

1 Tax Increment produced within the State Sales Tax Boundary
2 shall be spent only within that area. However expenditures of
3 all municipal property tax increment and municipal sales tax
4 increment in a redevelopment project area are not required to
5 be spent within the smaller State Sales Tax Boundary within
6 such redevelopment project area.

7 (11) The Department of Revenue shall have the authority to
8 issue rules and regulations for purposes of this Section. ~~and~~
9 ~~regulations for purposes of this Section.~~

10 (12) If, under Section 5.4.1 of the Illinois Enterprise
11 Zone Act, a municipality determines that property that lies
12 within a State Sales Tax Boundary has an improvement,
13 rehabilitation, or renovation that is entitled to a property
14 tax abatement, then that property along with any improvements,
15 rehabilitation, or renovations shall be immediately removed
16 from any State Sales Tax Boundary. The municipality that made
17 the determination shall notify the Department of Revenue within
18 30 days after the determination. Once a property is removed
19 from the State Sales Tax Boundary because of the existence of a
20 property tax abatement resulting from an enterprise zone, then
21 that property shall not be permitted to be amended into a State
22 Sales Tax Boundary.

23 (Source: P.A. 94-793, eff. 5-19-06; revised 9-21-16.)

24 (65 ILCS 5/11-102-2) (from Ch. 24, par. 11-102-2)

25 Sec. 11-102-2. Every municipality specified in Section

1 11-102-1 may purchase, construct, reconstruct, expand and
2 improve landing fields, landing strips, landing floats,
3 hangars ~~hangers~~, terminal buildings and other structures
4 relating thereto and may provide terminal facilities for public
5 airports; may construct, reconstruct and improve causeways,
6 roadways, and bridges for approaches to or connections with the
7 landing fields, landing strips and landing floats; and may
8 construct and maintain breakwaters for the protection of such
9 airports with a water front. Before any work of construction is
10 commenced in, over or upon any public waters of the state, the
11 plans and specifications therefor shall be submitted to and
12 approved by the Department of Transportation of the state.
13 Submission to and approval by the Department of Transportation
14 is not required for any work or construction undertaken as part
15 of the O'Hare Modernization Program as defined in Section 10 of
16 the O'Hare Modernization Act.

17 (Source: P.A. 93-450, eff. 8-6-03; revised 10-26-16.)

18 Section 285. The Fire Protection District Act is amended by
19 renumbering Section 111 as follows:

20 (70 ILCS 705/11m)

21 Sec. 11m ~~111~~. Enforcement of the Fire Investigation Act.

22 (a) The fire chief has the authority to enforce the
23 provisions of any rules adopted by the State Fire Marshal under
24 the provisions of the Fire Investigation Act or to carry out

1 the duties imposed on local officers under Section 9 of the
2 Fire Investigation Act as provided in this Section.

3 (b) In the event that a fire chief determines that a
4 dangerous condition or fire hazard is found to exist contrary
5 to the rules referred to in Section 9 of the Fire Investigation
6 Act, or if a dangerous condition or fire hazard is found to
7 exist as specified in the first paragraph of Section 9 of the
8 Fire Investigation Act, the fire chief shall order the
9 dangerous condition or fire hazard removed or remedied and
10 shall so notify the owner, occupant, or other interested person
11 in the premises. Service of the notice upon the owner,
12 occupant, or other interested person may be made in person or
13 by registered or certified mail. If the owner, occupant, or
14 other interested person cannot be located by the fire chief,
15 the fire chief may post the order upon the premises where the
16 dangerous condition or fire hazard exists.

17 (c) In the event that a fire chief determines that the
18 dangerous condition or fire hazard which has been found to
19 exist places persons occupying or present in the premises at
20 risk of imminent bodily injury or serious harm, the fire chief
21 may, as part of the order issued under subsection (b), order
22 that the premises where such condition or fire hazard exists be
23 immediately vacated and not be occupied until the fire chief
24 inspects the premises and issues a notice that the dangerous
25 condition or fire hazard is no longer present and that the
26 premises may be occupied. An order under this subsection (c)

1 shall be effective immediately and notice of the order may be
2 given by the fire chief by posting the order at premises where
3 the dangerous condition or fire hazard exists.

4 (d) In the event an owner, occupant, or other interested
5 person fails to comply with an order issued by a fire chief
6 under subsections (b) or (c), the fire chief may refer the
7 order to the State's Attorney. The State's Attorney may apply
8 to the circuit court for enforcement of the order of the fire
9 chief, as issued by the fire chief or as modified by the
10 circuit court, under the provisions of Article XI of the Code
11 of Civil Procedure by temporary restraining order, preliminary
12 injunction or permanent injunction, provided, however, that no
13 bond shall be required by the court under Section 11-103 of the
14 Code of Civil Procedure and no damages may be assessed by the
15 court under Section 11-110 of the Code of Civil Procedure.

16 (e) The provisions of this Section are supplementary to the
17 provisions of the Fire Investigation Act and do not limit the
18 authority of any fire chief or other local officers charged
19 with the responsibility of investigating fires under Section 9
20 of the Fire Investigation Act or any other law or limit the
21 authority of the State Fire Marshal under the Fire
22 Investigation Act or any other law.

23 (Source: P.A. 99-811, eff. 8-15-16; revised 10-19-16.)

24 Section 290. The Park District Code is amended by changing
25 Section 9-2c as follows:

1 (70 ILCS 1205/9-2c) (from Ch. 105, par. 9-2c)

2 Sec. 9-2c. Whenever the proposition is submitted to the
3 voters of any park district to levy a tax for the purpose of
4 acquiring, constructing, maintaining, and operating airports
5 and landing fields for aircraft as provided in Section 9-2b,
6 and a majority of the votes cast upon the proposition is in
7 favor of the levy of such tax, the board of any such park
8 district may provide that bonds of such park district be issued
9 for the purpose of acquiring and constructing airports and
10 landing fields for aircraft, or for the purpose of improving
11 and extending such facilities when constructed. The bonds shall
12 be authorized by ordinance of the board, shall mature serially
13 in not to exceed 20 years from their date, and bear such rate
14 of interest as the board may determine, not, however, to exceed
15 the maximum rate authorized by the Bond Authorization Act, as
16 amended at the time of the making of the contract, payable
17 semi-annually, and shall be sold by the board as it may
18 determine but for not less than the par value thereof and
19 accrued interest. The bonds shall be signed by the president
20 (or such official as the board may designate) and secretary and
21 countersigned by the treasurer with the corporate seal of the
22 district affixed. The bonds shall be authorized by the board of
23 the district by ordinance which shall fix all the details of
24 the bonds and provide for a levy of a tax sufficient to pay the
25 principal of and interest on the bonds as they mature. A

1 certified copy of the ordinance shall be filed in the office of
2 the clerk of the county wherein the park district is situated,
3 and the county clerk shall extend a tax sufficient to pay the
4 principal of and interest on the bonds as they mature without
5 limitation as to rate or amount, and the county clerk shall
6 reduce the tax rate levied by the district pursuant to Section
7 9-2b by the amount of the rate extended for payment of
8 principal and interest of the bonds. The clerk shall extend the
9 tax as provided in Section 6-6. If the rate necessary to be
10 extended for the payment of principal and interest of the bonds
11 exceeds the rate authorized to be levied by the district,
12 pursuant to Section 9-2b, then the rate of tax for the payment
13 of bonds and interest only shall be extended. Where the
14 district is situated in more than one county the tax shall be
15 certified, apportioned and levied as provided in Section 5-4.
16 Notwithstanding the foregoing, after July 28, 1969, any park
17 district may issue bonds under this Section for the purpose of
18 maintaining, improving or replacing its existing airport
19 facilities or landing fields to the extent required to conform
20 to the standards of the Department of Transportation or of any
21 appropriate federal agency relating to a State or ~~of~~ federal
22 airports plan or airways system. If such bonds are issued the
23 tax levied for the payment of principal and interest of the
24 bonds as they mature shall be in addition to that levied by the
25 district under Section 9-2b and the county clerk shall extend
26 both taxes accordingly. The aggregate principal amount of bonds

1 issued under this Section that may be outstanding at any time
2 may not exceed 1/2 of 1% of the aggregate valuation of all
3 taxable property within the district, as equalized or assessed
4 by the Department of Revenue. No bond ordinance may take effect
5 nor may bonds be issued thereunder if the amount of bonds taken
6 with the outstanding principal indebtedness under this Section
7 exceeds the 1/2 of 1% limit unless the question of whether such
8 additional bonds shall be issued is submitted to the legal
9 voters of the district, in the manner provided by Section 6-4,
10 and a majority of those voting on the proposition vote in favor
11 thereof. In no event may the principal aggregate amount of any
12 bonds issued under such ordinance exceed, together with the
13 principal amount of bonds previously issued under this Section
14 and then outstanding, 1 1/4% of the aggregate valuation of all
15 taxable property within the district, as equalized or assessed
16 by the Department of Revenue.

17 Bonds issued under this Section are not a part of the
18 existing indebtedness of a park district for purposes of
19 Article 6 of this Code.

20 With respect to instruments for the payment of money issued
21 under this Section either before, on, or after June 6, 1989
22 (the effective date of Public Act 86-4) ~~this amendatory Act of~~
23 ~~1989~~, it is and always has been the intention of the General
24 Assembly (i) that the Omnibus Bond Acts are and always have
25 been supplementary grants of power to issue instruments in
26 accordance with the Omnibus Bond Acts, regardless of any

1 provision of this Act that may appear to be or to have been
2 more restrictive than those Acts, (ii) that the provisions of
3 this Section are not a limitation on the supplementary
4 authority granted by the Omnibus Bond Acts, and (iii) that
5 instruments issued under this Section within the supplementary
6 authority granted by the Omnibus Bond Acts are not invalid
7 because of any provision of this Act that may appear to be or
8 to have been more restrictive than those Acts.

9 (Source: P.A. 86-494; revised 10-26-16.)

10 Section 295. The Chicago Park District Act is amended by
11 changing Section 26.10-8 as follows:

12 (70 ILCS 1505/26.10-8)

13 Sec. 26.10-8. Procedures for design-build selection.

14 (a) The Chicago Park District must use a two-phase
15 procedure for the selection of the successful design-build
16 entity. Phase I of the procedure will evaluate and shortlist
17 the design-build entities based on qualifications, and Phase II
18 will evaluate the technical and cost proposals.

19 (b) The Chicago Park District shall include in the request
20 for proposal the evaluating factors to be used in Phase I.
21 These factors are in addition to any prequalification
22 requirements of design-build entities that the Chicago Park
23 District has set forth. Each request for proposal shall
24 establish the relative importance assigned to each evaluation

1 factor and subfactor, including any weighting of criteria to be
2 employed by the Chicago Park District. The Chicago Park
3 District must maintain a record of the evaluation scoring to be
4 disclosed in event of a protest regarding the solicitation.

5 The Chicago Park District shall include the following
6 criteria in every Phase I evaluation of design-build entities:

7 (1) experience of personnel; (2) successful experience with
8 similar project types; (3) financial capability; (4)
9 timeliness of past performance; (5) experience with similarly
10 sized projects; (6) successful reference checks of the firm;
11 (7) commitment to assign personnel for the duration of the
12 project and qualifications of the entity's consultants; and (8)
13 ability or past performance in meeting or exhausting good faith
14 efforts to meet the utilization goals for minority and women
15 business enterprises established by the corporate authorities
16 of the Chicago Park District and in complying with Section
17 2-105 of the Illinois Human Rights Act. The Chicago Park
18 District may include any additional relevant criteria in Phase
19 I that it deems necessary for a proper qualification review.

20 ~~The Chicago Park District may include any additional relevant~~
21 ~~criteria in Phase I that it deems necessary for a proper~~
22 ~~qualification review.~~

23 The Chicago Park District may not consider any design-build
24 entity for evaluation or award if the entity has any pecuniary
25 interest in the project or has other relationships or
26 circumstances, including but not limited to, long-term

1 leasehold, mutual performance, or development contracts with
2 the Chicago Park District, that may give the design-build
3 entity a financial or tangible advantage over other
4 design-build entities in the preparation, evaluation, or
5 performance of the design-build contract or that create the
6 appearance of impropriety. No design-build proposal shall be
7 considered that does not include an entity's plan to comply
8 with the requirements established in the minority and women
9 business enterprises and economically disadvantaged firms
10 established by the corporate authorities of the Chicago Park
11 District and with Section 2-105 of the Illinois Human Rights
12 Act.

13 Upon completion of the qualifications evaluation, the
14 Chicago Park District shall create a shortlist of the most
15 highly qualified design-build entities. The Chicago Park
16 District, in its discretion, is not required to shortlist the
17 maximum number of entities as identified for Phase II
18 evaluation, provided however, no less than 2 design-build
19 entities nor more than 6 are selected to submit Phase II
20 proposals.

21 The Chicago Park District shall notify the entities
22 selected for the shortlist in writing. This notification shall
23 commence the period for the preparation of the Phase II
24 technical and cost evaluations. The Chicago Park District must
25 allow sufficient time for the shortlist entities to prepare
26 their Phase II submittals considering the scope and detail

1 requested by the Chicago Park District.

2 (c) The Chicago Park District shall include in the request
3 for proposal the evaluating factors to be used in the technical
4 and cost submission components of Phase II. Each request for
5 proposal shall establish, for both the technical and cost
6 submission components of Phase II, the relative importance
7 assigned to each evaluation factor and subfactor, including any
8 weighting of criteria to be employed by the Chicago Park
9 District. The Chicago Park District must maintain a record of
10 the evaluation scoring to be disclosed in event of a protest
11 regarding the solicitation.

12 The Chicago Park District shall include the following
13 criteria in every Phase II technical evaluation of design-build
14 entities: (1) compliance with objectives of the project; (2)
15 compliance of proposed services to the request for proposal
16 requirements; (3) quality of products or materials proposed;
17 (4) quality of design parameters; (5) design concepts; (6)
18 innovation in meeting the scope and performance criteria; and
19 (7) constructability of the proposed project. The Chicago Park
20 District may include any additional relevant technical
21 evaluation factors it deems necessary for proper selection.

22 The Chicago Park District shall include the following
23 criteria in every Phase II cost evaluation: the guaranteed
24 maximum project cost and the time of completion. The Chicago
25 Park District may include any additional relevant technical
26 evaluation factors it deems necessary for proper selection. The

1 guaranteed maximum project cost criteria weighing factor shall
2 not exceed 30%.

3 The Chicago Park District shall directly employ or retain a
4 licensed design professional or landscape architect design
5 professional, as appropriate, to evaluate the technical and
6 cost submissions to determine if the technical submissions are
7 in accordance with generally accepted industry standards.

8 Upon completion of the technical submissions and cost
9 submissions evaluation, the Chicago Park District may award the
10 design-build contract to the highest overall ranked entity.

11 (Source: P.A. 96-777, eff. 8-28-09; revised 9-21-16.)

12 Section 300. The Sanitary District Act of 1907 is amended
13 by changing Sections 14.4 and 24 as follows:

14 (70 ILCS 2205/14.4) (from Ch. 42, par. 260.4)

15 Sec. 14.4. The board of trustees of any sanitary district
16 organized under this Act may require that, before any person or
17 municipal corporation connects to the sewage system of the
18 district, the district be permitted to inspect the drainage
19 lines of the person or municipal corporation to determine
20 whether they are adequate and suitable for connection to its
21 sewage system. In addition to the other charges provided for in
22 this Act, the sanitary district may collect a reasonable charge
23 for this inspection service. Funds collected as inspection
24 charges shall be used by the sanitary district for its general

1 corporate purposes after payment of the costs of making the
2 inspections.

3 (Source: Laws 1967, p. 3287; revised 9-21-16.)

4 (70 ILCS 2205/24) (from Ch. 42, par. 270)

5 Sec. 24. In case any sanitary district organized hereunder,
6 shall include within its limits, in whole or in part, any
7 drainage district or districts organized under the laws of this
8 state having levees, drains or ditches which are conducive to
9 sanitary purposes, such drainage district or districts shall
10 have paid and reimbursed ~~re-imbursed~~ to it or them, upon such
11 terms as may be agreed upon by its or their corporate
12 authorities and the board of trustees of said sanitary
13 district, the reasonable cost or value of such levee, drains or
14 ditches, which valuation shall in no case be fixed at less than
15 any unpaid indebtedness incurred by such district or districts
16 in contracting the same. Upon such payment being made, the
17 sanitary district shall have the right to appropriate and use
18 such levees, drains or ditches, or any part thereof, as it may
19 desire, for or in connection with any improvements authorized
20 by this act, and for or in connection with the purposes for
21 which said sanitary district is organized; Provided, no such
22 levee, drain or ditch shall be destroyed, removed or otherwise
23 so used as to impair its usefulness for the purposes for which
24 the same was constructed, without the consent of the corporate
25 authorities of such drainage district. In case the board of

1 trustees of said sanitary district and the corporate
2 authorities of any such drainage district shall be unable to
3 agree upon the compensation to be paid or reimbursed
4 ~~re-imbursed~~ to such drainage district, the same may be
5 ascertained and enforced by any proper proceeding in the
6 circuit court.

7 (Source: P.A. 79-1360; revised 9-21-16.)

8 Section 305. The North Shore Water Reclamation District Act
9 is amended by changing Section 8 as follows:

10 (70 ILCS 2305/8) (from Ch. 42, par. 284)

11 Sec. 8. Such sanitary district may acquire by purchase,
12 condemnation, or otherwise any and all real and personal
13 property, right of way and privilege, either within or without
14 its corporate limits that may be required for its corporate
15 purposes; and in case any district formed hereunder shall be
16 unable to agree with any other sanitary district upon the terms
17 under which it shall be permitted to use the drains, channels
18 or ditches of such other sanitary district, the right to use
19 the same may be required by condemnation in the circuit court
20 by proceedings in the manner, as near as may be, as is provided
21 in Section 4-17 of the "Illinois Drainage Code", ~~approved June~~
22 ~~29, 1955, as amended~~. The compensation to be paid for such use
23 may be a gross sum, or it may be in the form of an annual
24 rental, to be paid in yearly installments as and in the manner

1 provided by the judgment of the court wherein such proceedings
2 may be had. Provided, all moneys for the purchase and
3 condemnation of any property shall be paid before possession is
4 taken, or any work done on the premises damaged by the
5 construction of such channel or outlet, and in case of an
6 appeal from the Circuit Court taken by either party whereby the
7 amount of damages is not finally determined, then possession
8 may be taken, provided that the amount of judgment in such
9 court shall be deposited at some bank or savings and loan
10 association to be designated by the judge thereof subject to
11 the payment of such damages on orders signed by such judge,
12 whenever the amount of damages is finally determined; and when
13 no ~~not~~ longer required for such purposes, to sell, convey,
14 vacate and release the same.

15 (Source: P.A. 83-1362; revised 9-8-16.)

16 Section 310. The Sanitary District Act of 1936 is amended
17 by changing Sections 32a.5, 33, 37.1, 44, and 45 as follows:

18 (70 ILCS 2805/32a.5) (from Ch. 42, par. 443a.5)

19 Sec. 32a.5. Any contiguous territory located within the
20 boundaries of any sanitary district organized under this Act,
21 and upon the border of such district, may become disconnected
22 from such district in the manner provided in this Section. Ten
23 per cent or more of the legal voters resident in the territory
24 sought to be disconnected from such district, may petition the

1 circuit court for the county in which the original petition for
2 the organization of the district was filed, to cause the
3 question of such disconnection to be submitted to the legal
4 voters of such territory whether the territory shall be
5 disconnected. The petition shall be addressed to the court and
6 shall contain a definite description of the boundaries of such
7 territory and recite as a fact, that as of the date the
8 petition is filed there is no bonded indebtedness of the
9 sanitary district outstanding and that no special assessments
10 for local improvements were levied upon or assessed against any
11 of the lands within such territory or if so levied or assessed,
12 that all of such assessments have been fully paid and
13 discharged and that such territory is not, at the time of the
14 filing of such petition, and will not be, either benefited or
15 served by any work or improvements either then existing or then
16 authorized by the sanitary district. Upon filing such petition
17 in the office of the circuit clerk of the county in which the
18 original petition for the formation of such sanitary district
19 has been filed it is the duty of the court to consider the
20 boundaries of such territory and the facts upon which the
21 petition is founded. The court may alter the boundaries of such
22 territory and shall deny the prayer of the petition, if the
23 material allegations therein contained are not founded in fact.
24 The decision of the court is appealable as in other civil
25 cases.

26 Notice shall be given by the court of the time and place

1 when and where all persons interested will be heard
 2 substantially as provided in and by Section 1 of this Act. The
 3 conduct of the hearing on the question whether such territory
 4 shall become disconnected shall be, as nearly as possible, in
 5 accordance with Section 1 of this Act.† The court shall certify
 6 the question to the proper election officials who shall submit
 7 the question at an election in accordance with the general
 8 election law. The question shall be in substantially the
 9 following form:

10 -----

11 For disconnection from sanitary district.

12 -----

13 Against disconnection from sanitary district.

14 -----

15 If a majority of the votes cast on the question shall be in
 16 favor of disconnection, and if the trustees of such sanitary
 17 district shall, by ordinance, disconnect such territory,
 18 thereupon the court shall enter an appropriate order of record
 19 in the court and thereafter such territory shall be deemed
 20 disconnected from such sanitary district.

21 (Source: P.A. 83-343; revised 9-8-16.)

22 (70 ILCS 2805/33) (from Ch. 42, par. 444)

23 Sec. 33. Any sanitary district created under this Act which
 24 does not have outstanding and unpaid any revenue bonds issued
 25 under the provisions of this Act may be dissolved as follows:

1 County has sufficient funds on hand or available to satisfy
2 such debts; (3) that no federal or State permit or grant will
3 be impaired by dissolution of the District; and (4) that the
4 County assumes all assets and responsibilities of the District.
5 Upon dissolution of the District, the statutory powers of the
6 former District shall be exercised by the county board of the
7 Lake County. Within 60 days after the effective date of such
8 resolution, the County of Lake shall notify the Illinois
9 Environmental Protection Agency regarding the dissolution of
10 the Fox Hills Sanitary District.

11 (Source: P.A. 99-783, eff. 8-12-16; revised 10-26-16.)

12 (70 ILCS 2805/37.1)

13 Sec. 37.1. Dissolution of district with no employees and no
14 bond indebtedness; winding up sanitary district business; tax
15 by acquiring municipalities.

16 (a) Any sanitary district created under this Act which is
17 located in a county having a population of 3,000,000 or more,
18 which is wholly included in 3 ~~three~~ or more municipalities,
19 which no part is included in any unincorporated area, which has
20 no employees, and which has no revenue bond indebtedness shall,
21 upon July 10, 2015 (the effective date of Public Act 99-14)
22 ~~this amendatory Act of the 99th General Assembly~~, be dissolved
23 by operation of law. Each of the municipalities within the
24 territory of a dissolved sanitary district shall be responsible
25 for providing sewers for collecting and disposing of sewage.

1 (b) The officers of any dissolved sanitary district
2 immediately preceding July 10, 2015 (the effective date of
3 Public Act 99-14) ~~this amendatory Act of the 99th General~~
4 ~~Assembly~~ shall close up the business affairs of the sanitary
5 district by conveying title of a dissolved sanitary district's
6 property to the municipalities collecting and disposing of
7 sewage and by liquidating any remaining personal property of a
8 dissolved sanitary district. After all the debts and
9 obligations of the dissolved sanitary district have been
10 satisfied, any remaining monies shall be distributed to the
11 municipalities collecting and disposing of sewage in
12 proportion to the percentage of territory located within the
13 boundaries of each affected municipality.

14 (c) The corporate authorities of any municipality required
15 to provide sewer service under this Section after the
16 dissolution of a sanitary district is hereby authorized to levy
17 and collect a tax for the purpose of maintaining, constructing
18 or replacing sewers, upon the taxable property within that
19 municipality, the aggregate amount of which for each year may
20 not exceed 0.25% of the value of such property as equalized or
21 assessed by the Department of Revenue and that tax shall be in
22 addition to any taxes that may otherwise be authorized to be
23 levied for the general corporate purposes of the municipality
24 as currently provided in Section 37 of this Act. Any
25 outstanding obligations of the dissolved sanitary district
26 shall be paid from the taxes levied and collected pursuant to

1 this subsection.

2 If any tax has been levied for sewer or water purposes
3 prior to July 10, 2015 (the effective date of Public Act 99-14)
4 ~~this amendatory Act of the 99th General Assembly~~ by a
5 municipality that ~~who~~ would also have the power to levy such a
6 tax under this subsection, that tax is expressly validated.

7 (Source: P.A. 99-14, eff. 7-10-15; revised 9-8-16.)

8 (70 ILCS 2805/44) (from Ch. 42, par. 447.8)

9 Sec. 44. Public hearing and second resolution. At the time
10 and place fixed in the specified notice for the public hearing,
11 the committee of local improvements shall meet and hear the
12 representations of any person desiring to be heard on the
13 subject of the necessity for the proposed improvement, the
14 nature thereof or the cost as estimated. The district's
15 engineer may revise the plans, specifications or estimate of
16 cost at any time prior to the committee's adoption of a
17 resolution recommending passage of an ordinance as hereinafter
18 set forth. The committee may adopt a second or further
19 resolution abandoning the proposed scheme or adhering thereto,
20 or changing, altering or modifying the extent, nature, kind,
21 character and estimated cost, provided the change does not
22 increase the estimated cost of the improvement to exceed 20% of
23 the estimate set forth in the mailed notice of the public
24 hearing without a further public hearing pursuant to a new
25 mailed notice given in like manner as the first. Thereupon, if

1 the proposed improvement is not abandoned, the committee shall
2 have an ordinance prepared therefor to be submitted to the
3 board. This ordinance shall prescribe the nature, character,
4 locality and description of the improvement and shall provide
5 whether the improvement shall be made wholly or in part by
6 special assessment or special taxation of benefited property
7 and may provide that plans and specifications for the proposed
8 improvement be made part of the ordinance by reference to plans
9 and specifications ~~specification~~ on file in the office of the
10 district's engineer or to plans and specifications adopted or
11 published by the State of Illinois or any political subdivision
12 or agency thereof. If the improvement is to be paid in part
13 only by special assessment or special taxation, the ordinance
14 shall so state. If the improvement requires the taking or
15 damaging of property, the ordinance shall so state, and the
16 proceedings for making just compensation therefor shall be as
17 described in Sections 9-2-14 through 9-2-37 of the Illinois
18 Municipal Code, as now or hereafter amended.

19 (Source: P.A. 85-1137; revised 9-8-16.)

20 (70 ILCS 2805/45) (from Ch. 42, par. 447.9)

21 Sec. 45. Recommendation by committee. Accompanying any
22 ordinance for a local improvement presented by the committee of
23 local improvements to the board shall be a recommendation of
24 such improvement by the committee signed by at ~~a~~ least a
25 majority of the members thereof, together with an estimate of

1 the cost of the improvement, including the cost of engineering
2 services, as originally contemplated or as changed, altered or
3 modified at the public hearing, itemized so far as the
4 committee deems necessary and signed by the board's engineer.
5 The recommendation by the committee shall be prima facie
6 evidence that all the preliminary requirements of the law have
7 been complied with. If a variance is shown on the proceedings
8 in the court, it shall not affect the validity of the
9 proceeding unless the court deems the variance willful and
10 substantial.

11 In the event the improvement is to be constructed with
12 assistance from any agency of the federal government or other
13 governmental agency, the estimate of cost shall state this fact
14 and shall set forth the estimated amount that is to be provided
15 by the agency of the federal government or other governmental
16 agency.

17 The person appointed to make the assessments as provided
18 hereinafter shall make a true and impartial assessment upon the
19 petitioning district and the property benefited by such
20 improvement of that portion of the estimated cost that is
21 within the benefits exclusive of the amount to be provided by
22 the agency of the federal government or other governmental
23 agency.

24 (Source: P.A. 85-1137; revised 9-7-16.)

25 Section 315. The Surface Water Protection District Act is

1 amended by changing Section 21 as follows:

2 (70 ILCS 3405/21) (from Ch. 42, par. 468)

3 Sec. 21. The board of trustees may levy and collect other
4 taxes for all corporate purposes, including, without limiting
5 the generality of the foregoing, the payment of all obligations
6 incurred in taking over the surface water protection facilities
7 of any city, village, or incorporated town located within the
8 boundaries of any such district, exclusive of taxes to pay
9 bonded indebtedness upon all the taxable property within the
10 territorial limits of such surface water protection district,
11 the aggregate amount of which shall not exceed .125% of the
12 value, as equalized or assessed by the Department of Revenue
13 except as provided in this Section.

14 If the board of trustees desires ~~desire~~ to levy such taxes
15 at a rate in excess of .125% but not in excess of .25% of the
16 value of all taxable property within the district as equalized
17 or assessed by the Department of Revenue, the board of trustees
18 ~~they~~ shall certify the question to the proper election
19 officials who shall submit the question at an ~~a~~ election in
20 accordance with the general election law. The result of the
21 referendum shall be entered upon the records of the district.
22 If a majority of the votes on the proposition are in favor of
23 the proposition, the board of trustees may levy such taxes at a
24 rate not to exceed .25% of the value of all taxable property
25 within the district, as equalized or assessed by the Department

1 of Revenue. The proposition shall be in substantially the
2 following form:

3 -----

4	Shall the maximum allowable	
5	tax rate for Surface Water	YES
6	Protection District be increased	
7	to .25% of the value of all taxable	-----
8	property within the District as	
9	equalized or assessed by the	NO
10	Department of Revenue?	

11 -----

12 In any surface water protection district organized under
13 Section 4a, the board of trustees may levy such taxes at a rate
14 in excess of .125% but not in excess of .25% of the value of all
15 taxable property in the district as equalized or assessed by
16 the Department of Revenue without an election provided such tax
17 rate increase is authorized by the owners of all the property
18 within the district.

19 (Source: P.A. 81-1550; revised 9-7-16.)

20 Section 320. The Metropolitan Transit Authority Act is
21 amended by changing Section 12a as follows:

22 (70 ILCS 3605/12a) (from Ch. 111 2/3, par. 312a)

23 Sec. 12a. (a) In addition to other powers provided in
24 Section 12b, the Authority may issue its notes from time to

1 time, in anticipation of tax receipts of the Regional
2 Transportation Authority allocated to the Authority or of other
3 revenues or receipts of the Authority, in order to provide
4 money for the Authority to cover any cash flow deficit which
5 the Authority anticipates incurring. Provided, however, that
6 no such notes may be issued unless the annual cost thereof is
7 incorporated in a budget or revised budget of the Authority
8 which has been approved by the Regional Transportation
9 Authority. Any such notes are referred to as "Working Cash
10 Notes". Provided further that, the board shall not issue and
11 have outstanding or demand and direct that the Board of the
12 Regional Transportation Authority issue and have outstanding
13 more than an aggregate of \$40,000,000 in Working Cash Notes. No
14 Working Cash Notes shall be issued for a term of longer than 18
15 months. Proceeds of Working Cash Notes may be used to pay day
16 to day operating expenses of the Authority, consisting of
17 wages, salaries and fringe benefits, professional and
18 technical services (including legal, audit, engineering and
19 other consulting services), office rental, furniture, fixtures
20 and equipment, insurance premiums, claims for self-insured
21 amounts under insurance policies, public utility obligations
22 for telephone, light, heat and similar items, travel expenses,
23 office supplies, postage, dues, subscriptions, public hearings
24 and information expenses, fuel purchases, and payments of
25 grants and payments under purchase of service agreements for
26 operations of transportation agencies, prior to the receipt by

1 the Authority from time to time of funds for paying such
2 expenses. Proceeds of the Working Cash Notes shall not be used
3 (i) to increase or provide a debt service reserve fund for any
4 bonds or notes other than Working Cash Notes of the same
5 Series, or (ii) to pay principal of or interest or redemption
6 premium on any capital bonds or notes, whether as such amounts
7 become due or by earlier redemption, issued by the Authority or
8 a transportation agency to construct or acquire public
9 transportation facilities, or to provide funds to purchase such
10 capital bonds or notes.

11 (b) The ordinance providing for the issuance of any such
12 notes shall fix the date or dates of maturity, the dates on
13 which interest is payable, any sinking fund account or reserve
14 fund account provisions and all other details of such notes and
15 may provide for such covenants or agreements necessary or
16 desirable with regard to the issue, sale and security of such
17 notes. The Authority shall determine and fix the rate or rates
18 of interest of its notes issued under this Act in an ordinance
19 adopted by the Board prior to the issuance thereof, none of
20 which rates of interest shall exceed that permitted in the Bond
21 Authorization Act ~~"An Act to authorize public corporations to~~
22 ~~issue bonds, other evidences of indebtedness and tax~~
23 ~~anticipation warrants subject to interest rate limitations set~~
24 ~~forth therein", approved May 26, 1970, as now or hereafter~~
25 ~~amended~~. Interest may be payable annually or semi-annually, or
26 at such other times as determined by the Board. Notes issued

1 under this Section may be issued as serial or term obligations,
2 shall be of such denomination or denominations and form,
3 including interest coupons to be attached thereto, be executed
4 in such manner, shall be payable at such place or places and
5 bear such date as the Board shall fix by the ordinance
6 authorizing such note and shall mature at such time or times,
7 within a period not to exceed 18 months from the date of issue,
8 and may be redeemable prior to maturity with or without
9 premium, at the option of the Board, upon such terms and
10 conditions as the Board shall fix by the ordinance authorizing
11 the issuance of such notes. The Board may provide for the
12 registration of notes in the name of the owner as to the
13 principal alone or as to both principal and interest, upon such
14 terms and conditions as the Board may determine. The ordinance
15 authorizing notes may provide for the exchange of such notes
16 which are fully registered, as to both principal and interest,
17 with notes which are registerable as to principal only. All
18 notes issued under this Section by the Board shall be sold at a
19 price which may be at a premium or discount but such that the
20 interest cost (excluding any redemption premium) to the Board
21 of the proceeds of an issue of such notes, computed to stated
22 maturity according to standard tables of bond values, shall not
23 exceed that permitted in the Bond Authorization Act ~~"An Act to~~
24 ~~authorize public corporations to issue bonds, other evidences~~
25 ~~of indebtedness and tax anticipation warrants subject to~~
26 ~~interest rate limitations set forth therein", approved May 26,~~

1 ~~1970, as now or hereafter amended.~~ Such notes shall be sold at
2 such time or times as the Board shall determine. The notes may
3 be sold either upon competitive bidding or by negotiated sale
4 (without any requirement of publication of intention to
5 negotiate the sale of such notes), as the Board shall determine
6 by ordinance adopted with the affirmative votes of at least 4
7 Directors. In case any officer whose signature appears on any
8 notes or coupons authorized pursuant to this Section shall
9 cease to be such officer before delivery of such notes, such
10 signature shall nevertheless be valid and sufficient for all
11 purposes, the same as if such officer had remained in office
12 until such delivery. Neither the Directors of the Regional
13 Transportation Authority, the Directors of the Authority nor
14 any person executing any bonds or notes thereof shall be liable
15 personally on any such bonds or notes or coupons by reason of
16 the issuance thereof.

17 (c) All notes of the Authority issued pursuant to this
18 Section shall be general obligations of the Authority to which
19 shall be pledged the full faith and credit of the Authority, as
20 provided in this Section. Such notes shall be secured as
21 provided in the authorizing ordinance, which may,
22 notwithstanding any other provision of this Act, include in
23 addition to any other security, a specific pledge or assignment
24 of and lien on or security interest in any or all tax receipts
25 of the Regional Transportation Authority allocated to the
26 Authority and on any or all other revenues or moneys of the

1 Authority from whatever source which may by law be utilized for
2 debt service purposes and a specific pledge or assignment of
3 and lien on or security interest in any funds or accounts
4 established or provided for by the ordinance of the Board
5 authorizing the issuance of such notes. Any such pledge,
6 assignment, lien or security interest for the benefit of
7 holders of notes of the Authority shall be valid and binding
8 from the time the notes are issued without any physical
9 delivery or further act, and shall be valid and binding as
10 against and prior to the claims of all other parties having
11 claims of any kind against the Authority or any other person
12 irrespective of whether such other parties have notice of such
13 pledge, assignment, lien or security interest. The obligations
14 of the Authority incurred pursuant to this Section shall be
15 superior to and have priority over any other obligations of the
16 Authority except for obligations under Section 12. The Board
17 may provide in the ordinance authorizing the issuance of any
18 notes issued pursuant to this Section for the creation of,
19 deposits in, and regulation and disposition of sinking fund or
20 reserve accounts relating to such notes. The ordinance
21 authorizing the issuance of any notes pursuant to this Section
22 may contain provisions as part of the contract with the holders
23 of the notes, for the creation of a separate fund to provide
24 for the payment of principal and interest on such notes and for
25 the deposit in such fund from any or all the tax receipts of
26 the Regional Transportation Authority allocated to the

1 Authority and from any or all such other moneys or revenues of
2 the Authority from whatever source which may by law be utilized
3 for debt service purposes, all as provided in such ordinance,
4 of amounts to meet the debt service requirements on such notes,
5 including principal and interest, and any sinking fund or
6 reserve fund account requirements as may be provided by such
7 ordinance, and all expenses incident to or in connection with
8 such fund and accounts or the payment of such notes. Such
9 ordinance may also provide limitations on the issuance of
10 additional notes of the Authority. No such notes of the
11 Authority shall constitute a debt of the State of Illinois.

12 (d) The ordinance of the Board authorizing the issuance of
13 any notes may provide additional security for such notes by
14 providing for appointment of a corporate trustee (which may be
15 any trust company or bank having the powers of a trust company
16 within the State) with respect to such notes. The ordinance
17 shall prescribe the rights, duties and powers of the trustee to
18 be exercised for the benefit of the Authority and the
19 protection of the holders of such notes. The ordinance may
20 provide for the trustee to hold in trust, invest and use
21 amounts in funds and accounts created as provided by the
22 ordinance with respect to the notes. The ordinance shall
23 provide that amounts so paid to the trustee which are not
24 required to be deposited, held or invested in funds and
25 accounts created by the ordinance with respect to notes or used
26 for paying notes to be paid by the trustee to the Authority.

1 (e) Any notes of the Authority issued pursuant to this
2 Section shall constitute a contract between the Authority and
3 the holders from time to time of such notes. In issuing any
4 note, the Board may include in the ordinance authorizing such
5 issue a covenant as part of the contract with the holders of
6 the notes, that as long as such obligations are outstanding, it
7 shall make such deposits, as provided in paragraph (c) of this
8 Section. A certified copy of the ordinance authorizing the
9 issuance of any such obligations shall be filed at or prior to
10 the issuance of such obligations with the Regional
11 Transportation Authority, Comptroller of the State of Illinois
12 and the Illinois Department of Revenue.

13 (f) The State of Illinois pledges to and agrees with the
14 holders of the notes of the Authority issued pursuant to this
15 Section that the State will not limit or alter the rights and
16 powers vested in the Authority by this Act or in the Regional
17 Transportation Authority by the "Regional Transportation
18 Authority Act" so as to impair the terms of any contract made
19 by the Authority with such holders or in any way impair the
20 rights and remedies of such holders until such notes, together
21 with interest thereon, with interest on any unpaid installments
22 of interest, and all costs and expenses in connection with any
23 action or proceedings by or on behalf of such holders, are
24 fully met and discharged. In addition, the State pledges to and
25 agrees with the holders of the notes of the Authority issued
26 pursuant to this Section that the State will not limit or alter

1 the basis on which State funds are to be paid to the Authority
2 as provided in the Regional Transportation Authority Act, or
3 the use of such funds, so as to impair the terms of any such
4 contract. The Board is authorized to include these pledges and
5 agreements of the State in any contract with the holders of
6 bonds or notes issued pursuant to this Section.

7 (g) The Board shall not at any time issue, sell or deliver
8 any Interim Financing Notes pursuant to this Section which will
9 cause it to have issued and outstanding at any time in excess
10 of \$40,000,000 of Working Cash Notes. Notes which are being
11 paid or retired by such issuance, sale or delivery of notes,
12 and notes for which sufficient funds have been deposited with
13 the paying agency of such notes to provide for payment of
14 principal and interest thereon or to provide for the redemption
15 thereof, all pursuant to the ordinance authorizing the issuance
16 of such notes, shall not be considered to be outstanding for
17 the purposes of this paragraph.

18 (h) The Board, subject to the terms of any agreements with
19 noteholders as may then exist, shall have power, out of any
20 funds available therefor, to purchase notes of the Authority
21 which shall thereupon be cancelled.

22 (i) In addition to any other authority granted by law, the
23 State Treasurer may, with the approval of the Governor, invest
24 or reinvest, at a price not to exceed par, any State money in
25 the State Treasury which is not needed for current expenditures
26 due or about to become due in Interim Financing Notes.

1 (Source: P.A. 96-328, eff. 8-11-09; revised 9-22-16.)

2 Section 325. The Public Transit Employee Training Programs
3 Act is amended by changing Section 3 as follows:

4 (70 ILCS 3620/3) (from Ch. 111 2/3, par. 803)

5 Sec. 3. (a)~~)-~~ All mass transit employees shall be required
6 to participate in an anti-crime program that comprehensively
7 addresses the identification of and reaction to potentially
8 dangerous situations involving carrier operatives or
9 passengers.

10 (b)~~)-~~ The establishment of minimum standards, however, in no
11 way precludes a carrier from implementing alternate or more
12 advanced programs so long as said programs are:

13 (1) consistent with the imperative of subsection (a);

14 (2) developed in consultation with a recognized crime
15 prevention organization; and

16 (3) carried out in consultation with the Review
17 Committee established under Section 8 of this Act.

18 (Source: P.A. 81-846; revised 9-12-16.)

19 Section 330. The School Code is amended by changing
20 Sections 2-3.161, 10-22.29a, 14-6.01, 21B-70, 22-30, 27A-9,
21 30-14.2, 34-54.2, and 34A-404, by setting forth and renumbering
22 multiple versions of Sections 2-3.167, 10-20.58, and 34-18.50,
23 and by setting forth, renumbering, and changing multiple

1 versions of Section 34-18.49 as follows:

2 (105 ILCS 5/2-3.161)

3 Sec. 2-3.161. Definition of dyslexia; reading instruction
4 advisory group.

5 (a) The State Board of Education shall incorporate, in both
6 general education and special education, the following
7 definition of dyslexia:

8 Dyslexia is a specific learning disability that is
9 neurobiological in origin. Dyslexia is characterized by
10 difficulties with accurate and/or fluent word recognition
11 and by poor spelling and decoding abilities. These
12 difficulties typically result from a deficit in the
13 phonological component of language that is often
14 unexpected in relation to other cognitive abilities and the
15 provision of effective classroom instruction. Secondary
16 consequences may include problems in reading comprehension
17 and reduced reading experience that can impede growth of
18 vocabulary and background knowledge.

19 (b) Subject to specific State appropriation or the
20 availability of private donations, the State Board of Education
21 shall establish an advisory group to develop a training module
22 or training modules to provide education and professional
23 development to teachers, school administrators, and other
24 education professionals regarding multi-sensory, systematic,
25 and sequential instruction in reading. This advisory group

1 shall complete its work before December 15, 2015 and is
2 abolished on December 15, 2015. The State Board of Education
3 shall reestablish the advisory group abolished on December 15,
4 2015 to complete the abolished group's work. The reestablished
5 advisory group shall complete its work before December 31, 2016
6 and is abolished on December 31, 2016. The provisions of this
7 subsection (b), other than this sentence, are inoperative after
8 December 31, 2016.

9 (Source: P.A. 98-705, eff. 7-14-14; 99-65, eff. 7-16-15; 99-78,
10 eff. 7-20-15; 99-602, eff. 7-22-16; 99-603, eff. 7-22-16;
11 revised 9-6-16.)

12 (105 ILCS 5/2-3.167)

13 (Section scheduled to be repealed on July 1, 2018)

14 Sec. 2-3.167. Task Force on Computer Science Education.

15 (a) The State Board of Education shall establish a Task
16 Force on Computer Science Education, to be comprised of all of
17 the following members, with an emphasis on bipartisan
18 legislative representation and diverse non-legislative
19 stakeholder representation:

20 (1) One member appointed by the Speaker of the House of
21 Representatives.

22 (2) One member appointed by the President of the
23 Senate.

24 (3) One member appointed by the Minority Leader of the
25 House of Representatives.

1 (4) One member appointed by the Minority Leader of the
2 Senate.

3 (5) One member appointed by the head of a statewide
4 association representing teachers.

5 (6) One member appointed by the head of an association
6 representing teachers in a city of over 500,000 people.

7 (7) One member appointed by the head of an association
8 representing computer science teachers.

9 (8) One member appointed by the head of an association
10 representing school boards.

11 (9) One member appointed by the head of an association
12 representing the media.

13 (10) One member appointed by the head of an association
14 representing the non-profit sector that promotes computer
15 science education as a core mission.

16 (11) One member appointed by the head of an association
17 representing the non-profit sector that promotes computer
18 science education among the general public.

19 (12) One member appointed by the president of an
20 institution of higher education who teaches college or
21 graduate-level government courses or facilitates a program
22 dedicated to cultivating computer science education.

23 (13) One member appointed by the head of an association
24 representing principals or district superintendents.

25 (14) The chief executive officer of the school district
26 organized under Article 34 of this Code or his or her

1 designee.

2 (b) The members of the Task Force shall serve without
3 compensation but shall be reimbursed for their reasonable and
4 necessary expenses from funds appropriated to the State Board
5 of Education for that purpose. The members of the Task Force
6 shall be reimbursed for their travel expenses from
7 appropriations to the State Board of Education available for
8 that purpose and subject to the rules of the appropriate travel
9 control board.

10 (c) The members of the Task Force shall be considered
11 members with voting rights. A quorum of the Task Force shall
12 consist of a simple majority of the members of the Task Force.
13 All actions and recommendations of the Task Force must be
14 approved by a simple majority vote of the members.

15 (d) The Task Force shall meet initially at the call of the
16 State Superintendent of Education, shall elect one member as
17 chairperson at its initial meeting through a simple majority
18 vote of the Task Force, and shall thereafter meet at the call
19 of the chairperson.

20 (e) The State Board of Education shall provide
21 administrative and other support to the Task Force.

22 (f) The Task Force is charged with all of the following
23 tasks:

24 (1) To analyze the current state of computer science
25 education in this State.

26 (2) To analyze current computer science education laws

1 in other jurisdictions, both mandated and permissive.

2 (3) To identify best practices in computer science
3 education in other jurisdictions.

4 (4) To make recommendations to the General Assembly
5 focused on substantially increasing computer science
6 education and the capacity of youth to obtain the requisite
7 knowledge, skills, and practices to be educated in computer
8 science.

9 (5) To make funding recommendations, if the Task
10 Force's recommendations to the General Assembly would
11 require a fiscal commitment.

12 (g) No later than July 1, 2017, the Task Force shall
13 summarize its findings and recommendations in a report to the
14 General Assembly, filed as provided in Section 3.1 of the
15 General Assembly Organization Act. Upon filing its report, the
16 Task Force is dissolved.

17 (h) This Section is repealed on July 1, 2018.

18 (Source: P.A. 99-647, eff. 7-28-16.)

19 (105 ILCS 5/2-3.168)

20 Sec. 2-3.168 ~~2-3.167~~. Advisory Council on At-Risk
21 Students.

22 (a) For purposes of this Section, "at-risk students" means
23 students served by the Department of Human Services who receive
24 services through Medicaid, the Supplemental Nutrition
25 Assistance Program, the Children's Health Insurance Program,

1 or Temporary Assistance for Needy Families, as well as students
2 under the legal custody of the Department of Children and
3 Family Services. Students may not be counted more than once for
4 receiving multiple services from the Department of Human
5 Services or if they receive those services and are under the
6 legal custody of the Department of Children and Family
7 Services.

8 (b) The Advisory Council on At-Risk Students is created
9 within the State Board of Education. The Advisory Council shall
10 consist of all of the following members:

11 (1) One member of the House of Representatives
12 appointed by the Speaker of the House of Representatives.

13 (2) One member of the House of Representatives
14 appointed by the Minority Leader of the House of
15 Representatives.

16 (3) One member of the Senate appointed by the President
17 of the Senate.

18 (4) One member of the Senate appointed by the Minority
19 Leader of the Senate.

20 (5) The following members appointed by the State
21 Superintendent of Education:

22 (A) One member who is an educator representing a
23 statewide professional teachers' organization.

24 (B) One member who is an educator representing a
25 different statewide professional teachers'
26 organization.

1 (C) One member who is an educator representing a
2 professional teachers' organization in a city having a
3 population exceeding 500,000.

4 (D) One member from an organization that works for
5 economic, educational, and social progress for African
6 Americans and promotes strong sustainable communities
7 through advocacy, collaboration, and innovation.

8 (E) One member from an organization that
9 facilitates the involvement of Latino Americans at all
10 levels of public decision-making.

11 (F) One member from an organization focused on
12 research-based education policy to support a school
13 system that prepares all students for college, a
14 career, and democratic citizenship.

15 (G) One member from an organization dedicated to
16 advocating for public policies to prevent
17 homelessness.

18 (H) One member from the Illinois Student
19 Assistance Commission.

20 (I) One member from an organization that works to
21 ensure the health and safety of Illinois youth and
22 families by providing capacity building services.

23 (J) One member from an organization that provides
24 public high school students with opportunities to
25 explore and develop their talents, while gaining
26 critical skills for work, college, and beyond.

1 (K) One member from an organization that promotes
2 the strengths and abilities of youth and families by
3 providing community-based services that empower each
4 to face life's challenges with confidence, competence,
5 and dignity.

6 (L) One member from an organization that connects
7 former members of the foster care system with current
8 children in the foster care system.

9 (M) One member who has experience with research and
10 statistics.

11 (N) Three members who are parents of at-risk
12 students.

13 (O) One member from an organization that optimizes
14 the positive growth of at-risk youth and individuals
15 working with at-risk youth through support services.

16 (P) One member from a statewide organization
17 representing regional offices of education.

18 Members of the Council shall, to the extent possible, be
19 selected on the basis of experience with or knowledge of
20 various programs for at-risk students. The Council shall, to
21 the extent possible, include diverse membership from a variety
22 of socio-economic, racial, and ethnic backgrounds.

23 (c) Initial members of the Council shall serve terms
24 determined by lot as follows:

25 (1) Seven members shall serve for one year.

26 (2) Seven members shall serve for 2 years.

1 (3) The remaining members shall serve for 3 years.
2 Successors shall serve 3-year terms. Members must serve until
3 their successors are appointed and have qualified.

4 (d) Members of the Council shall not receive compensation
5 for the performance of their duties on the Council.

6 (e) The Council shall initially meet at the call of the
7 State Superintendent of Education. At the initial meeting,
8 members shall select a chairperson from among their number by
9 majority vote; a representative from the State Board of
10 Education may cast a deciding vote if there is a tie. The
11 Council shall select a chairperson annually, who may be the
12 same chairperson as the year prior. The Council shall meet at
13 the call of the chairperson after the initial meeting.

14 (f) The State Board of Education and City of Chicago School
15 District 299 shall provide administrative support to the
16 Council.

17 (g) The Council shall accept and consider public comments
18 when making its recommendations.

19 (h) By no later than December 15, 2017, the Council shall
20 submit a report to the State Superintendent of Education, the
21 Governor, and the General Assembly addressing, at a minimum,
22 the following with respect to school districts where racial
23 minorities comprise a majority of the student population:

24 (1) What are the barriers to success present for
25 at-risk students?

26 (2) How much does socio-economic status impact

1 academic and career achievement?

2 (3) How do at-risk students perform academically?

3 (4) How do at-risk students perform academically
4 compared to students from higher socio-economic statuses?

5 (5) What programs are shown to help at-risk students
6 reach higher levels of academic and career achievement?

7 (6) What specific curriculums help the academic
8 success of at-risk students?

9 (7) Of curriculums that help at-risk students, which of
10 these need to be implemented within the Illinois Learning
11 Standards?

12 (8) To what degree do school districts teach cultural
13 history, and how can this be improved?

14 (9) Specific policy recommendations to improve the
15 academic success of at-risk students.

16 (10) Any other information that the Council determines
17 will assist in the understanding of the barriers to success
18 for or increase the academic performance of at-risk
19 students.

20 The Council shall submit an annual report with updated
21 information on the barriers to academic success and the
22 academic progress of at-risk students by no later than December
23 15 of each year beginning the year after the initial report is
24 submitted.

25 (Source: P.A. 99-721, eff. 8-5-16; revised 10-14-16.)

1 (105 ILCS 5/2-3.169)

2 Sec. 2-3.169 ~~2-3.167~~. State Global Scholar Certification.

3 (a) The State Global Scholar Certification Program is
4 established to recognized public high school graduates who have
5 attained global competence. State Global Scholar Certification
6 shall be awarded beginning with the 2017-2018 school year.
7 School district participation in this certification is
8 voluntary.

9 (b) The purposes of State Global Scholar Certification are
10 as follows:

11 (1) To recognize the value of a global education.

12 (2) To certify attainment of global competence.

13 (3) To provide employers with a method of identifying
14 globally competent employees.

15 (4) To provide colleges and universities with an
16 additional method to recognize applicants seeking
17 admission.

18 (5) To prepare students with 21st century skills.

19 (6) To encourage the development of a globally ready
20 workforce in the STEM (science, technology, engineering,
21 and mathematics), manufacturing, agriculture, and service
22 sectors.

23 (c) State Global Scholar Certification confirms attainment
24 of global competence, sufficient for meaningful use in college
25 and a career, by a graduating public high school student.

26 (d) The State Board of Education shall adopt such rules as

1 may be necessary to establish the criteria that students must
2 achieve to earn State Global Scholar Certification, which shall
3 minimally include attainment of units of credit in globally
4 focused courses, service learning experiences, global
5 collaboration and dialogue, and passage of a capstone project
6 demonstrating global competency, as approved by the
7 participating school district for this purpose.

8 (e) The State Board of Education shall do both of the
9 following:

10 (1) Prepare and deliver to participating school
11 districts an appropriate mechanism for designating State
12 Global Scholar Certification on the diploma and transcript
13 of a student indicating that the student has been awarded
14 State Global Scholar Certification by the State Board of
15 Education.

16 (2) Provide other information the State Board of
17 Education deems necessary for school districts to
18 successfully participate in the certification.

19 (f) A school district that participates in certification
20 under this Section shall do both of the following:

21 (1) Maintain appropriate records in order to identify
22 students who have earned State Global Scholar
23 Certification.

24 (2) Make the appropriate designation on the diploma and
25 transcript of each student who earns State Global Scholar
26 Certification.

1 (g) No fee may be charged to a student to receive the
2 designation pursuant to the Section. Notwithstanding this
3 prohibition, costs may be incurred by the student in
4 demonstrating proficiency.

5 (Source: P.A. 99-780, eff. 8-12-16; revised 10-14-16.)

6 (105 ILCS 5/10-20.58)

7 Sec. 10-20.58. Accelerate College pilot program. School
8 districts may enter into Accelerate College educational
9 partnership agreements as authorized under Section 3-42.4 of
10 the Public Community College Act.

11 (Source: P.A. 99-611, eff. 7-22-16.)

12 (105 ILCS 5/10-20.59)

13 Sec. 10-20.59 ~~10-20.58~~. DCFS liaison.

14 (a) Each school board may appoint at least one employee to
15 act as a liaison to facilitate the enrollment and transfer of
16 records of students in the legal custody of the Department of
17 Children and Family Services when enrolling in or changing
18 schools. The school board may appoint any employee of the
19 school district who is licensed under Article 21B of this Code
20 to act as a liaison; however, employees who meet any of the
21 following criteria must be prioritized for appointment:

22 (1) Employees who have worked with mobile student
23 populations or students in foster care.

24 (2) Employees who are familiar with enrollment, record

1 transfers, existing community services, and student
2 support services.

3 (3) Employees who serve as a high-level administrator.

4 (4) Employees who are counselors or have experience
5 with student counseling.

6 (5) Employees who are knowledgeable on child welfare
7 policies.

8 (6) Employees who serve as a school social worker.

9 (b) Liaisons under this Section are encouraged to build
10 capacity and infrastructure within their school district to
11 support students in the legal custody of the Department of
12 Children and Family Services. Liaison responsibilities may
13 include the following:

14 (1) streamlining the enrollment processes for students
15 in foster care;

16 (2) implementing student data tracking and monitoring
17 mechanisms;

18 (3) ensuring that students in the legal custody of the
19 Department of Children and Family Services receive all
20 school nutrition and meal programs available;

21 (4) coordinating student withdrawal from a school,
22 record transfers, and credit recovery;

23 (5) becoming experts on the foster care system and
24 State laws and policies in place that support children
25 under the legal custody of the Department of Children and
26 Family Services;

- 1 (6) coordinating with child welfare partners;
- 2 (7) providing foster care-related information and
3 training to the school district;
- 4 (8) working with the Department of Children and Family
5 Services to help students maintain their school placement,
6 if appropriate;
- 7 (9) reviewing student schedules to ensure that
8 students are on track to graduate;
- 9 (10) encouraging a successful transition into
10 adulthood and post-secondary opportunities;
- 11 (11) encouraging involvement in extracurricular
12 activities; and
- 13 (12) knowing what support is available within the
14 school district and community for students in the legal
15 custody of the Department of Children and Family Services.
- 16 (c) A school district is encouraged to designate a liaison
17 by the beginning of the 2017-2018 school year.
- 18 (d) Individuals licensed under Article 21B of this Code
19 acting as a liaison under this Section shall perform the duties
20 of a liaison in addition to existing contractual obligations.
- 21 (Source: P.A. 99-781, eff. 8-12-16; revised 10-18-16.)

22 (105 ILCS 5/10-22.29a) (from Ch. 122, par. 10-22.29a)
23 Sec. 10-22.29a. To authorize the establishment of an
24 investment club, in any high school within the district, to be
25 organized on a purely voluntary basis. The State Board of

1 Education may, however, promulgate reasonable standards
2 regarding the establishment, organization and operation of
3 investment clubs formed pursuant to this Section which
4 standards must be complied with by all those concerned. The
5 superintendent of schools shall, when the board has authorized
6 the establishment of an investment club, designate a teacher in
7 the high school where the club is organized to serve as sponsor
8 of the club and as the fiduciary for members of the club in
9 making the purchases and sales of securities on behalf of the
10 members and shall also designate an investment dealer
11 registered with the Secretary of State of Illinois as an
12 investment dealer; to provide investment counseling and
13 brokerage services for the members of the club. That investment
14 dealer shall (a) reflect all transactions entered into on
15 behalf of the investment club in an account in the name of the
16 teacher as fiduciary, (b) submit monthly to the fiduciary a
17 statement of account reflecting all transactions entered into
18 on behalf of the club during the previous month including the
19 prices paid on purchases and the proceeds received on sales of
20 securities and the costs and fees incurred in each transaction
21 and listing the accumulated holdings of the investment club by
22 type of security, number of shares of stock, name of the issuer
23 and any other information necessary to identify the composition
24 of the accumulated security holdings of the club, and (c)
25 handle transactions on behalf of the club, through the
26 designated fiduciary as a street account rather than through

1 issuance of certificates in the name of the fiduciary or of
2 individual club members. Any investment club formed under this
3 Section must sell all securities purchased through the club and
4 distribute the proceeds of sales to its members by May 20th
5 each year. All investment clubs are subject to the provisions
6 of the ~~"The Illinois Securities Law of 1953", as amended.~~

7 (Source: P.A. 81-1508; revised 10-25-16.)

8 (105 ILCS 5/14-6.01) (from Ch. 122, par. 14-6.01)

9 Sec. 14-6.01. Powers and duties of school boards. School
10 boards of one or more school districts establishing and
11 maintaining any of the educational facilities described in this
12 Article shall, in connection therewith, exercise similar
13 powers and duties as are prescribed by law for the
14 establishment, maintenance and management of other recognized
15 educational facilities. Such school boards shall include only
16 eligible children in the program and shall comply with all the
17 requirements of this Article and all rules and regulations
18 established by the State Board of Education. Such school boards
19 shall accept in part-time attendance children with
20 disabilities of the types described in Sections 14-1.02 through
21 14-1.07 who are enrolled in nonpublic schools. A request for
22 part-time attendance must be submitted by a parent or guardian
23 of the child with a disability and may be made only to those
24 public schools located in the district where the child
25 attending the nonpublic school resides; however, nothing in

1 this Section shall be construed as prohibiting an agreement
2 between the district where the child resides and another public
3 school district to provide special educational services if such
4 an arrangement is deemed more convenient and economical.
5 Special education and related services must be provided in
6 accordance with the student's IEP no later than 10 school
7 attendance days after notice is provided to the parents
8 pursuant to Section 300.503 of Title 34 of the Code of Federal
9 Regulations and implementing rules adopted by the State Board
10 of Education. Transportation for students in part time
11 attendance shall be provided only if required in the child's
12 individualized educational program on the basis of the child's
13 disabling condition or as the special education program
14 location may require.

15 A school board shall publish a public notice in its
16 newsletter of general circulation or in the newsletter of
17 another governmental entity of general circulation in the
18 district or if neither is available in the district, then in a
19 newspaper of general circulation in the district, the right of
20 all children with disabilities to a free appropriate public
21 education as provided under this Code. Such notice shall
22 identify the location and phone number of the office or agent
23 of the school district to whom inquiries should be directed
24 regarding the identification, assessment and placement of such
25 children.

26 School boards shall immediately provide upon request by any

1 person written materials and other information that indicates
2 the specific policies, procedures, rules and regulations
3 regarding the identification, evaluation or educational
4 placement of children with disabilities under Section 14-8.02
5 of the School Code. Such information shall include information
6 regarding all rights and entitlements of such children under
7 this Code, and of the opportunity to present complaints with
8 respect to any matter relating to educational placement of the
9 student, or the provision of a free appropriate public
10 education and to have an impartial due process hearing on the
11 complaint. The notice shall inform the parents or guardian in
12 the parents' or guardian's native language, unless it is
13 clearly not feasible to do so, of their rights and all
14 procedures available pursuant to this Act and federal Public
15 Law 94-142; it shall be the responsibility of the State
16 Superintendent to develop uniform notices setting forth the
17 procedures available under this Act and federal Public Law
18 94-142, as amended, to be used by all school boards. The notice
19 shall also inform the parents or guardian of the availability
20 upon request of a list of free or low-cost legal and other
21 relevant services available locally to assist parents or
22 guardians in exercising rights or entitlements under this Code.

23 Any parent or guardian who is deaf, or does not normally
24 communicate using spoken English, who participates in a meeting
25 with a representative of a local educational agency for the
26 purposes of developing an individualized educational program

1 shall be entitled to the services of an interpreter.

2 No student with a disability or, in a school district
3 organized under Article 34 of this Code, child with a learning
4 disability may be denied promotion, graduation or a general
5 diploma on the basis of failing a minimal competency test when
6 such failure can be directly related to the disabling condition
7 of the student. For the purpose of this Act, "minimal
8 competency testing" is defined as tests which are constructed
9 to measure the acquisition of skills to or beyond a certain
10 defined standard.

11 Effective July 1, 1966, high school districts are
12 financially responsible for the education of pupils with
13 disabilities who are residents in their districts when such
14 pupils have reached age 15 but may admit children with
15 disabilities into special educational facilities without
16 regard to graduation from the eighth grade after such pupils
17 have reached the age of 14 1/2 years. Upon a pupil with a
18 disability attaining the age of 14 1/2 years, it shall be the
19 duty of the elementary school district in which the pupil
20 resides to notify the high school district in which the pupil
21 resides of the pupil's current eligibility for special
22 education services, of the pupil's current program, and of all
23 evaluation data upon which the current program is based. After
24 an examination of that information the high school district may
25 accept the current placement and all subsequent timelines shall
26 be governed by the current individualized educational program;

1 or the high school district may elect to conduct its own
2 evaluation and multidisciplinary staff conference and
3 formulate its own individualized educational program, in which
4 case the procedures and timelines contained in Section 14-8.02
5 shall apply.

6 (Source: P.A. 98-219, eff. 8-9-13; 99-143, eff. 7-27-15;
7 99-592, eff. 7-22-16; revised 9-6-16.)

8 (105 ILCS 5/21B-70)

9 Sec. 21B-70. Illinois Teaching Excellence Program.

10 (a) As used in this Section:

11 "Poverty or low-performing school" means a school
12 identified as a priority school under Section 2-3.25d-5 of this
13 Code or a school in which 50% or more of its students are
14 eligible for free or reduced-price school lunches.

15 "Qualified educator" means a teacher or school counselor
16 currently employed in a school district who is in the process
17 of obtaining certification through the National Board for
18 Professional Teaching Standards or who has completed
19 certification and holds a current Professional Educator
20 License with a National Board for Professional Teaching
21 Standards designation or a retired teacher or school counselor
22 who holds a Professional Educator License with a National Board
23 for Professional Teaching Standards designation.

24 (b) Beginning on July 1, 2011, any funds appropriated for
25 the Illinois Teaching Excellence Program must be used to

1 provide monetary assistance and incentives for qualified
2 educators who are employed by school districts and who have or
3 are in the process of obtaining licensure through the National
4 Board for Professional Teaching Standards. The goal of the
5 program is to improve instruction and student performance.

6 The State Board of Education shall allocate an amount as
7 annually appropriated by the General Assembly for the Illinois
8 Teaching Excellence Program for (i) application fees for each
9 qualified educator seeking to complete certification through
10 the National Board for Professional Teaching Standards, to be
11 paid directly to the National Board for Professional Teaching
12 Standards, and (ii) incentives for each qualified educator to
13 be distributed to the respective school district. The school
14 district shall distribute this payment to each eligible teacher
15 or school counselor as a single payment.

16 The State Board of Education's annual budget must set out
17 by separate line item the appropriation for the program. Unless
18 otherwise provided by appropriation, qualified educators are
19 eligible for monetary assistance and incentives outlined in
20 subsection (c) of this Section.

21 (c) When there are adequate funds available, monetary
22 assistance and incentives shall include the following:

23 (1) A maximum of \$2,000 towards the application fee for
24 up to 750 teachers or school counselors in a poverty or
25 low-performing school who apply on a first-come,
26 first-serve basis for National Board certification.

1 (2) A maximum of \$2,000 towards the application fee for
2 up to 250 teachers or school counselors in a school other
3 than a poverty or low-performing school who apply on a
4 first-come, first-serve basis for National Board
5 certification. However, if there were fewer than 750
6 individuals supported in item (1) of this subsection (c),
7 then the number supported in this item (2) may be increased
8 as such that the combination of item (1) of this subsection
9 (c) and this item (2) shall equal 1,000 applicants.

10 (3) A maximum of \$1,000 towards the National Board for
11 Professional Teaching Standards' renewal application fee.

12 (4) (Blank).

13 (5) An annual incentive equal to \$1,500, which shall be
14 paid to each qualified educator currently employed in a
15 school district who holds both a National Board for
16 Professional Teaching Standards designation and a current
17 corresponding certificate issued by the National Board for
18 Professional Teaching Standards and who agrees, in
19 writing, to provide at least 30 hours of mentoring or
20 National Board for Professional Teaching Standards
21 professional development or both during the school year to
22 classroom teachers or school counselors, as applicable.
23 Funds must be disbursed ~~dispersed~~ on a first-come,
24 first-serve basis, with priority given to poverty or
25 low-performing schools. Mentoring shall include, either
26 singly or in combination, the following:

1 (A) National Board for Professional Teaching
2 Standards certification candidates.

3 (B) National Board for Professional Teaching
4 Standards re-take candidates.

5 (C) National Board for Professional Teaching
6 Standards renewal candidates.

7 (D) (Blank).

8 Funds may also be used for instructional leadership
9 training for qualified educators interested in supporting
10 implementation of the Illinois Learning Standards or teaching
11 and learning priorities of the State Board of Education or
12 both.

13 (Source: P.A. 98-646, eff. 7-1-14; 99-193, eff. 7-30-15;
14 revised 10-25-16.)

15 (105 ILCS 5/22-30)

16 Sec. 22-30. Self-administration and self-carry of asthma
17 medication and epinephrine auto-injectors; administration of
18 undesignated epinephrine auto-injectors; administration of an
19 opioid antagonist; asthma episode emergency response protocol.

20 (a) For the purpose of this Section only, the following
21 terms shall have the meanings set forth below:

22 "Asthma action plan" means a written plan developed with a
23 pupil's medical provider to help control the pupil's asthma.
24 The goal of an asthma action plan is to reduce or prevent
25 flare-ups and emergency department visits through day-to-day

1 management and to serve as a student-specific document to be
2 referenced in the event of an asthma episode.

3 "Asthma episode emergency response protocol" means a
4 procedure to provide assistance to a pupil experiencing
5 symptoms of wheezing, coughing, shortness of breath, chest
6 tightness, or breathing difficulty.

7 "Asthma inhaler" means a quick reliever asthma inhaler.

8 "Epinephrine auto-injector" means a single-use device used
9 for the automatic injection of a pre-measured dose of
10 epinephrine into the human body.

11 "Asthma medication" means a medicine, prescribed by (i) a
12 physician licensed to practice medicine in all its branches,
13 (ii) a licensed physician assistant with prescriptive
14 authority, or (iii) a licensed advanced practice nurse with
15 prescriptive authority for a pupil that pertains to the pupil's
16 asthma and that has an individual prescription label.

17 "Opioid antagonist" means a drug that binds to opioid
18 receptors and blocks or inhibits the effect of opioids acting
19 on those receptors, including, but not limited to, naloxone
20 hydrochloride or any other similarly acting drug approved by
21 the U.S. Food and Drug Administration.

22 "School nurse" means a registered nurse working in a school
23 with or without licensure endorsed in school nursing.

24 "Self-administration" means a pupil's discretionary use of
25 his or her prescribed asthma medication or epinephrine
26 auto-injector.

1 "Self-carry" means a pupil's ability to carry his or her
2 prescribed asthma medication or epinephrine auto-injector.

3 "Standing protocol" may be issued by (i) a physician
4 licensed to practice medicine in all its branches, (ii) a
5 licensed physician assistant with prescriptive authority, or
6 (iii) a licensed advanced practice nurse with prescriptive
7 authority.

8 "Trained personnel" means any school employee or volunteer
9 personnel authorized in Sections 10-22.34, 10-22.34a, and
10 10-22.34b of this Code who has completed training under
11 subsection (g) of this Section to recognize and respond to
12 anaphylaxis.

13 "Undesignated epinephrine auto-injector" means an
14 epinephrine auto-injector prescribed in the name of a school
15 district, public school, or nonpublic school.

16 (b) A school, whether public or nonpublic, must permit the
17 self-administration and self-carry of asthma medication by a
18 pupil with asthma or the self-administration and self-carry of
19 an epinephrine auto-injector by a pupil, provided that:

20 (1) the parents or guardians of the pupil provide to
21 the school (i) written authorization from the parents or
22 guardians for (A) the self-administration and self-carry
23 of asthma medication or (B) the self-carry of asthma
24 medication or (ii) for (A) the self-administration and
25 self-carry of an epinephrine auto-injector or (B) the
26 self-carry of an epinephrine auto-injector, written

1 authorization from the pupil's physician, physician
2 assistant, or advanced practice nurse; and

3 (2) the parents or guardians of the pupil provide to
4 the school (i) the prescription label, which must contain
5 the name of the asthma medication, the prescribed dosage,
6 and the time at which or circumstances under which the
7 asthma medication is to be administered, or (ii) for the
8 self-administration or self-carry of an epinephrine
9 auto-injector, a written statement from the pupil's
10 physician, physician assistant, or advanced practice nurse
11 containing the following information:

12 (A) the name and purpose of the epinephrine
13 auto-injector;

14 (B) the prescribed dosage; and

15 (C) the time or times at which or the special
16 circumstances under which the epinephrine
17 auto-injector is to be administered.

18 The information provided shall be kept on file in the office of
19 the school nurse or, in the absence of a school nurse, the
20 school's administrator.

21 (b-5) A school district, public school, or nonpublic school
22 may authorize the provision of a student-specific or
23 undesignated epinephrine auto-injector to a student or any
24 personnel authorized under a student's Individual Health Care
25 Action Plan, Illinois Food Allergy Emergency Action Plan and
26 Treatment Authorization Form, or plan pursuant to Section 504

1 of the federal Rehabilitation Act of 1973 to administer an
2 epinephrine auto-injector to the student, that meets the
3 student's prescription on file.

4 (b-10) The school district, public school, or nonpublic
5 school may authorize a school nurse or trained personnel to do
6 the following: (i) provide an undesignated epinephrine
7 auto-injector to a student for self-administration only or any
8 personnel authorized under a student's Individual Health Care
9 Action Plan, Illinois Food Allergy Emergency Action Plan and
10 Treatment Authorization Form, or plan pursuant to Section 504
11 of the federal Rehabilitation Act of 1973 to administer to the
12 student, that meets the student's prescription on file; (ii)
13 administer an undesignated epinephrine auto-injector that
14 meets the prescription on file to any student who has an
15 Individual Health Care Action Plan, Illinois Food Allergy
16 Emergency Action Plan and Treatment Authorization Form, or plan
17 pursuant to Section 504 of the federal Rehabilitation Act of
18 1973 that authorizes the use of an epinephrine auto-injector;
19 (iii) administer an undesignated epinephrine auto-injector to
20 any person that the school nurse or trained personnel in good
21 faith believes is having an anaphylactic reaction; and (iv)
22 administer an opioid antagonist to any person that the school
23 nurse or trained personnel in good faith believes is having an
24 opioid overdose.

25 (c) The school district, public school, or nonpublic school
26 must inform the parents or guardians of the pupil, in writing,

1 that the school district, public school, or nonpublic school
2 and its employees and agents, including a physician, physician
3 assistant, or advanced practice nurse providing standing
4 protocol or prescription for school epinephrine
5 auto-injectors, are to incur no liability or professional
6 discipline, except for willful and wanton conduct, as a result
7 of any injury arising from the administration of asthma
8 medication, an epinephrine auto-injector, or an opioid
9 antagonist regardless of whether authorization was given by the
10 pupil's parents or guardians or by the pupil's physician,
11 physician assistant, or advanced practice nurse. The parents or
12 guardians of the pupil must sign a statement acknowledging that
13 the school district, public school, or nonpublic school and its
14 employees and agents are to incur no liability, except for
15 willful and wanton conduct, as a result of any injury arising
16 from the administration of asthma medication, an epinephrine
17 auto-injector, or an opioid antagonist regardless of whether
18 authorization was given by the pupil's parents or guardians or
19 by the pupil's physician, physician assistant, or advanced
20 practice nurse and that the parents or guardians must indemnify
21 and hold harmless the school district, public school, or
22 nonpublic school and its employees and agents against any
23 claims, except a claim based on willful and wanton conduct,
24 arising out of the administration of asthma medication, an
25 epinephrine auto-injector, or an opioid antagonist regardless
26 of whether authorization was given by the pupil's parents or

1 guardians or by the pupil's physician, physician assistant, or
2 advanced practice nurse.

3 (c-5) When a school nurse or trained personnel administers
4 an undesignated epinephrine auto-injector to a person whom the
5 school nurse or trained personnel in good faith believes is
6 having an anaphylactic reaction or administers an opioid
7 antagonist to a person whom the school nurse or trained
8 personnel in good faith believes is having an opioid overdose,
9 notwithstanding the lack of notice to the parents or guardians
10 of the pupil or the absence of the parents or guardians signed
11 statement acknowledging no liability, except for willful and
12 wanton conduct, the school district, public school, or
13 nonpublic school and its employees and agents, and a physician,
14 a physician assistant, or an advanced practice nurse providing
15 standing protocol or prescription for undesignated epinephrine
16 auto-injectors, are to incur no liability or professional
17 discipline, except for willful and wanton conduct, as a result
18 of any injury arising from the use of an undesignated
19 epinephrine auto-injector or the use of an opioid antagonist
20 regardless of whether authorization was given by the pupil's
21 parents or guardians or by the pupil's physician, physician
22 assistant, or advanced practice nurse.

23 (d) The permission for self-administration and self-carry
24 of asthma medication or the self-administration and self-carry
25 of an epinephrine auto-injector is effective for the school
26 year for which it is granted and shall be renewed each

1 subsequent school year upon fulfillment of the requirements of
2 this Section.

3 (e) Provided that the requirements of this Section are
4 fulfilled, a pupil with asthma may self-administer and
5 self-carry his or her asthma medication or a pupil may
6 self-administer and self-carry an epinephrine auto-injector
7 (i) while in school, (ii) while at a school-sponsored activity,
8 (iii) while under the supervision of school personnel, or (iv)
9 before or after normal school activities, such as while in
10 before-school or after-school care on school-operated property
11 or while being transported on a school bus.

12 (e-5) Provided that the requirements of this Section are
13 fulfilled, a school nurse or trained personnel may administer
14 an undesignated epinephrine auto-injector to any person whom
15 the school nurse or trained personnel in good faith believes to
16 be having an anaphylactic reaction (i) while in school, (ii)
17 while at a school-sponsored activity, (iii) while under the
18 supervision of school personnel, or (iv) before or after normal
19 school activities, such as while in before-school or
20 after-school care on school-operated property or while being
21 transported on a school bus. A school nurse or trained
22 personnel may carry undesignated epinephrine auto-injectors on
23 his or her person while in school or at a school-sponsored
24 activity.

25 (e-10) Provided that the requirements of this Section are
26 fulfilled, a school nurse or trained personnel may administer

1 an opioid antagonist to any person whom the school nurse or
2 trained personnel in good faith believes to be having an opioid
3 overdose (i) while in school, (ii) while at a school-sponsored
4 activity, (iii) while under the supervision of school
5 personnel, or (iv) before or after normal school activities,
6 such as while in before-school or after-school care on
7 school-operated property. A school nurse or trained personnel
8 may carry an opioid antagonist on their person while in school
9 or at a school-sponsored activity.

10 (f) The school district, public school, or nonpublic school
11 may maintain a supply of undesignated epinephrine
12 auto-injectors in any secure location that is accessible
13 before, during, and after school where an allergic person is
14 most at risk, including, but not limited to, classrooms and
15 lunchrooms. A physician, a physician assistant who has been
16 delegated prescriptive authority in accordance with Section
17 7.5 of the Physician Assistant Practice Act of 1987, or an
18 advanced practice nurse who has been delegated prescriptive
19 authority in accordance with Section 65-40 of the Nurse
20 Practice Act may prescribe undesignated epinephrine
21 auto-injectors in the name of the school district, public
22 school, or nonpublic school to be maintained for use when
23 necessary. Any supply of epinephrine auto-injectors shall be
24 maintained in accordance with the manufacturer's instructions.

25 The school district, public school, or nonpublic school may
26 maintain a supply of an opioid antagonist in any secure

1 location where an individual may have an opioid overdose. A
2 health care professional who has been delegated prescriptive
3 authority for opioid antagonists in accordance with Section
4 5-23 of the Alcoholism and Other Drug Abuse and Dependency Act
5 may prescribe opioid antagonists in the name of the school
6 district, public school, or nonpublic school, to be maintained
7 for use when necessary. Any supply of opioid antagonists shall
8 be maintained in accordance with the manufacturer's
9 instructions.

10 (f-3) Whichever entity initiates the process of obtaining
11 undesignated epinephrine auto-injectors and providing training
12 to personnel for carrying and administering undesignated
13 epinephrine auto-injectors shall pay for the costs of the
14 undesignated epinephrine auto-injectors.

15 (f-5) Upon any administration of an epinephrine
16 auto-injector, a school district, public school, or nonpublic
17 school must immediately activate the EMS system and notify the
18 student's parent, guardian, or emergency contact, if known.

19 Upon any administration of an opioid antagonist, a school
20 district, public school, or nonpublic school must immediately
21 activate the EMS system and notify the student's parent,
22 guardian, or emergency contact, if known.

23 (f-10) Within 24 hours of the administration of an
24 undesignated epinephrine auto-injector, a school district,
25 public school, or nonpublic school must notify the physician,
26 physician assistant, or advanced practice nurse who provided

1 the standing protocol or prescription for the undesignated
2 epinephrine auto-injector of its use.

3 Within 24 hours after the administration of an opioid
4 antagonist, a school district, public school, or nonpublic
5 school must notify the health care professional who provided
6 the prescription for the opioid antagonist of its use.

7 (g) Prior to the administration of an undesignated
8 epinephrine auto-injector, trained personnel must submit to
9 their school's administration proof of completion of a training
10 curriculum to recognize and respond to anaphylaxis that meets
11 the requirements of subsection (h) of this Section. Training
12 must be completed annually. ~~their~~ The school district, public
13 school, or nonpublic school must maintain records related to
14 the training curriculum and trained personnel.

15 Prior to the administration of an opioid antagonist,
16 trained personnel must submit to their school's administration
17 proof of completion of a training curriculum to recognize and
18 respond to an opioid overdose, which curriculum must meet the
19 requirements of subsection (h-5) of this Section. Training must
20 be completed annually. Trained personnel must also submit to
21 the school's administration proof of cardiopulmonary
22 resuscitation and automated external defibrillator
23 certification. The school district, public school, or
24 nonpublic school must maintain records relating to the training
25 curriculum and the trained personnel.

26 (h) A training curriculum to recognize and respond to

1 anaphylaxis, including the administration of an undesignated
2 epinephrine auto-injector, may be conducted online or in
3 person.

4 Training shall include, but is not limited to:

5 (1) how to recognize signs and symptoms of an allergic
6 reaction, including anaphylaxis;

7 (2) how to administer an epinephrine auto-injector;
8 and

9 (3) a test demonstrating competency of the knowledge
10 required to recognize anaphylaxis and administer an
11 epinephrine auto-injector.

12 Training may also include, but is not limited to:

13 (A) a review of high-risk areas within a school and its
14 related facilities;

15 (B) steps to take to prevent exposure to allergens;

16 (C) emergency follow-up procedures;

17 (D) how to respond to a student with a known allergy,
18 as well as a student with a previously unknown allergy; and

19 (E) other criteria as determined in rules adopted
20 pursuant to this Section.

21 In consultation with statewide professional organizations
22 representing physicians licensed to practice medicine in all of
23 its branches, registered nurses, and school nurses, the State
24 Board of Education shall make available resource materials
25 consistent with criteria in this subsection (h) for educating
26 trained personnel to recognize and respond to anaphylaxis. The

1 State Board may take into consideration the curriculum on this
2 subject developed by other states, as well as any other
3 curricular materials suggested by medical experts and other
4 groups that work on life-threatening allergy issues. The State
5 Board is not required to create new resource materials. The
6 State Board shall make these resource materials available on
7 its Internet website.

8 (h-5) A training curriculum to recognize and respond to an
9 opioid overdose, including the administration of an opioid
10 antagonist, may be conducted online or in person. The training
11 must comply with any training requirements under Section 5-23
12 of the Alcoholism and Other Drug Abuse and Dependency Act and
13 the corresponding rules. It must include, but is not limited
14 to:

- 15 (1) how to recognize symptoms of an opioid overdose;
- 16 (2) information on drug overdose prevention and
17 recognition;
- 18 (3) how to perform rescue breathing and resuscitation;
- 19 (4) how to respond to an emergency involving an opioid
20 overdose;
- 21 (5) opioid antagonist dosage and administration;
- 22 (6) the importance of calling 911;
- 23 (7) care for the overdose victim after administration
24 of the overdose antagonist;
- 25 (8) a test demonstrating competency of the knowledge
26 required to recognize an opioid overdose and administer a

1 dose of an opioid antagonist; and

2 (9) other criteria as determined in rules adopted
3 pursuant to this Section.

4 (i) Within 3 days after the administration of an
5 undesignated epinephrine auto-injector by a school nurse,
6 trained personnel, or a student at a school or school-sponsored
7 activity, the school must report to the State Board of
8 Education in a form and manner prescribed by the State Board
9 the following information:

10 (1) age and type of person receiving epinephrine
11 (student, staff, visitor);

12 (2) any previously known diagnosis of a severe allergy;

13 (3) trigger that precipitated allergic episode;

14 (4) location where symptoms developed;

15 (5) number of doses administered;

16 (6) type of person administering epinephrine (school
17 nurse, trained personnel, student); and

18 (7) any other information required by the State Board.

19 If a school district, public school, or nonpublic school
20 maintains or has an independent contractor providing
21 transportation to students who maintains a supply of
22 undesignated epinephrine auto-injectors, then the school
23 district, public school, or nonpublic school must report that
24 information to the State Board of Education upon adoption or
25 change of the policy of the school district, public school,
26 nonpublic school, or independent contractor, in a manner as

1 prescribed by the State Board. The report must include the
2 number of undesignated epinephrine auto-injectors in supply.

3 (i-5) Within 3 days after the administration of an opioid
4 antagonist by a school nurse or trained personnel, the school
5 must report to the State Board of Education, in a form and
6 manner prescribed by the State Board, the following
7 information:

8 (1) the age and type of person receiving the opioid
9 antagonist (student, staff, or visitor);

10 (2) the location where symptoms developed;

11 (3) the type of person administering the opioid
12 antagonist (school nurse or trained personnel); and

13 (4) any other information required by the State Board.

14 (j) By October 1, 2015 and every year thereafter, the State
15 Board of Education shall submit a report to the General
16 Assembly identifying the frequency and circumstances of
17 epinephrine administration during the preceding academic year.
18 Beginning with the 2017 report, the report shall also contain
19 information on which school districts, public schools, and
20 nonpublic schools maintain or have independent contractors
21 providing transportation to students who maintain a supply of
22 undesignated epinephrine auto-injectors. This report shall be
23 published on the State Board's Internet website on the date the
24 report is delivered to the General Assembly.

25 (j-5) Annually, each school district, public school,
26 charter school, or nonpublic school shall request an asthma

1 action plan from the parents or guardians of a pupil with
2 asthma. If provided, the asthma action plan must be kept on
3 file in the office of the school nurse or, in the absence of a
4 school nurse, the school administrator. Copies of the asthma
5 action plan may be distributed to appropriate school staff who
6 interact with the pupil on a regular basis, and, if applicable,
7 may be attached to the pupil's federal Section 504 plan or
8 individualized education program plan.

9 (j-10) To assist schools with emergency response
10 procedures for asthma, the State Board of Education, in
11 consultation with statewide professional organizations with
12 expertise in asthma management and a statewide organization
13 representing school administrators, shall develop a model
14 asthma episode emergency response protocol before September 1,
15 2016. Each school district, charter school, and nonpublic
16 school shall adopt an asthma episode emergency response
17 protocol before January 1, 2017 that includes all of the
18 components of the State Board's model protocol.

19 (j-15) Every 2 years, school personnel who work with pupils
20 shall complete an in-person or online training program on the
21 management of asthma, the prevention of asthma symptoms, and
22 emergency response in the school setting. In consultation with
23 statewide professional organizations with expertise in asthma
24 management, the State Board of Education shall make available
25 resource materials for educating school personnel about asthma
26 and emergency response in the school setting.

1 (j-20) On or before October 1, 2016 and every year
2 thereafter, the State Board of Education shall submit a report
3 to the General Assembly and the Department of Public Health
4 identifying the frequency and circumstances of opioid
5 antagonist administration during the preceding academic year.
6 This report shall be published on the State Board's Internet
7 website on the date the report is delivered to the General
8 Assembly.

9 (k) The State Board of Education may adopt rules necessary
10 to implement this Section.

11 (l) Nothing in this Section shall limit the amount of
12 epinephrine auto-injectors that any type of school or student
13 may carry or maintain a supply of.

14 (Source: P.A. 98-795, eff. 8-1-14; 99-173, eff. 7-29-15;
15 99-480, eff. 9-9-15; 99-642, eff. 7-28-16; 99-711, eff. 1-1-17;
16 99-843, eff. 8-19-16; revised 9-8-16.)

17 (105 ILCS 5/27A-9)

18 Sec. 27A-9. Term of charter; renewal.

19 (a) For charters granted before January 1, 2017 (the
20 effective date of Public Act 99-840) ~~this amendatory Act of the~~
21 ~~99th General Assembly~~, a charter may be granted for a period
22 not less than 5 and not more than 10 school years. For charters
23 granted on or after January 1, 2017 (the effective date of
24 Public Act 99-840) ~~this amendatory Act of the 99th General~~
25 ~~Assembly~~, a charter shall be granted for a period of 5 school

1 years. For charters renewed before January 1, 2017 (the
2 effective date of Public Act 99-840) ~~this amendatory Act of the~~
3 ~~99th General Assembly~~, a charter may be renewed in incremental
4 periods not to exceed 5 school years. For charters renewed on
5 or after January 1, 2017 (the effective date of Public Act
6 99-840) ~~this amendatory Act of the 99th General Assembly~~, a
7 charter may be renewed in incremental periods not to exceed 10
8 school years; however, the Commission may renew a charter only
9 in incremental periods not to exceed 5 years. Authorizers shall
10 ensure that every charter granted on or after January 1, 2017
11 (the effective date of Public Act 99-840) ~~this amendatory Act~~
12 ~~of the 99th General Assembly~~ includes standards and goals for
13 academic, organizational, and financial performance. A charter
14 must meet all standards and goals for academic, organizational,
15 and financial performance set forth by the authorizer in order
16 to be renewed for a term in excess of 5 years but not more than
17 10 years. If an authorizer fails to establish standards and
18 goals, a charter shall not be renewed for a term in excess of 5
19 years. Nothing contained in this Section shall require an
20 authorizer to grant a full 10-year renewal term to any
21 particular charter school, but an authorizer may award a full
22 10-year renewal term to charter schools that have a
23 demonstrated track record of improving student performance.

24 (b) A charter school renewal proposal submitted to the
25 local school board or the Commission, as the chartering entity,
26 shall contain:

1 (1) A report on the progress of the charter school in
2 achieving the goals, objectives, pupil performance
3 standards, content standards, and other terms of the
4 initial approved charter proposal; and

5 (2) A financial statement that discloses the costs of
6 administration, instruction, and other spending categories
7 for the charter school that is understandable to the
8 general public and that will allow comparison of those
9 costs to other schools or other comparable organizations,
10 in a format required by the State Board.

11 (c) A charter may be revoked or not renewed if the local
12 school board or the Commission, as the chartering entity,
13 clearly demonstrates that the charter school did any of the
14 following, or otherwise failed to comply with the requirements
15 of this law:

16 (1) Committed a material violation of any of the
17 conditions, standards, or procedures set forth in the
18 charter.

19 (2) Failed to meet or make reasonable progress toward
20 achievement of the content standards or pupil performance
21 standards identified in the charter.

22 (3) Failed to meet generally accepted standards of
23 fiscal management.

24 (4) Violated any provision of law from which the
25 charter school was not exempted.

26 In the case of revocation, the local school board or the

1 Commission, as the chartering entity, shall notify the charter
2 school in writing of the reason why the charter is subject to
3 revocation. The charter school shall submit a written plan to
4 the local school board or the Commission, whichever is
5 applicable, to rectify the problem. The plan shall include a
6 timeline for implementation, which shall not exceed 2 years or
7 the date of the charter's expiration, whichever is earlier. If
8 the local school board or the Commission, as the chartering
9 entity, finds that the charter school has failed to implement
10 the plan of remediation and adhere to the timeline, then the
11 chartering entity shall revoke the charter. Except in
12 situations of an emergency where the health, safety, or
13 education of the charter school's students is at risk, the
14 revocation shall take place at the end of a school year.
15 Nothing in Public Act 96-105 ~~this amendatory Act of the 96th~~
16 ~~General Assembly~~ shall be construed to prohibit an
17 implementation timetable that is less than 2 years in duration.

18 (d) (Blank).

19 (e) Notice of a local school board's decision to deny,
20 revoke, or not ~~to~~ renew a charter shall be provided to the
21 Commission and the State Board. The Commission may reverse a
22 local board's decision if the Commission finds that the charter
23 school or charter school proposal (i) is in compliance with
24 this Article, and (ii) is in the best interests of the students
25 it is designed to serve. The Commission may condition the
26 granting of an appeal on the acceptance by the charter school

1 of funding in an amount less than that requested in the
2 proposal submitted to the local school board. Final decisions
3 of the Commission shall be subject to judicial review under the
4 Administrative Review Law.

5 (f) Notwithstanding other provisions of this Article, if
6 the Commission on appeal reverses a local board's decision or
7 if a charter school is approved by referendum, the Commission
8 shall act as the authorized chartering entity for the charter
9 school. The Commission shall approve the charter and shall
10 perform all functions under this Article otherwise performed by
11 the local school board. The State Board shall determine whether
12 the charter proposal approved by the Commission is consistent
13 with the provisions of this Article and, if the approved
14 proposal complies, certify the proposal pursuant to this
15 Article. The State Board shall report the aggregate number of
16 charter school pupils resident in a school district to that
17 district and shall notify the district of the amount of funding
18 to be paid by the State Board to the charter school enrolling
19 such students. The Commission shall require the charter school
20 to maintain accurate records of daily attendance that shall be
21 deemed sufficient to file claims under Section 18-8.05
22 notwithstanding any other requirements of that Section
23 regarding hours of instruction and teacher certification. The
24 State Board shall withhold from funds otherwise due the
25 district the funds authorized by this Article to be paid to the
26 charter school and shall pay such amounts to the charter

1 school.

2 (g) For charter schools authorized by the Commission, the
3 Commission shall quarterly certify to the State Board the
4 student enrollment for each of its charter schools.

5 (h) For charter schools authorized by the Commission, the
6 State Board shall pay directly to a charter school any federal
7 or State aid attributable to a student with a disability
8 attending the school.

9 (Source: P.A. 98-739, eff. 7-16-14; 99-840, eff. 1-1-17;
10 revised 10-27-16.)

11 (105 ILCS 5/30-14.2) (from Ch. 122, par. 30-14.2)

12 Sec. 30-14.2. MIA/POW scholarships.

13 (a) Any spouse, natural child, legally adopted child, or
14 step-child of an eligible veteran or serviceperson who
15 possesses all necessary entrance requirements shall, upon
16 application and proper proof, be awarded a MIA/POW Scholarship
17 consisting of the equivalent of 4 calendar years of full-time
18 enrollment including summer terms, to the state supported
19 Illinois institution of higher learning of his choice, subject
20 to the restrictions listed below.

21 "Eligible veteran or serviceperson" means any veteran or
22 serviceperson, including an Illinois National Guard member who
23 is on active duty or is active on a training assignment, who
24 has been declared by the U.S. Department of Defense or the U.S.
25 Department of Veterans ~~Veterans~~ Affairs to be a prisoner of

1 war, be missing in action, have died as the result of a
2 service-connected disability or have become a person with a
3 permanent disability from service-connected causes with 100%
4 disability and who (i) at the time of entering service was an
5 Illinois resident, (ii) was an Illinois resident within 6
6 months after entering such service, or (iii) until July 1,
7 2014, became an Illinois resident within 6 months after leaving
8 the service and can establish at least 30 years of continuous
9 residency in the State of Illinois.

10 Full-time enrollment means 12 or more semester hours of
11 courses per semester, or 12 or more quarter hours of courses
12 per quarter, or the equivalent thereof per term. Scholarships
13 utilized by dependents enrolled in less than full-time study
14 shall be computed in the proportion which the number of hours
15 so carried bears to full-time enrollment.

16 Scholarships awarded under this Section may be used by a
17 spouse or child without regard to his or her age. The holder of
18 a Scholarship awarded under this Section shall be subject to
19 all examinations and academic standards, including the
20 maintenance of minimum grade levels, that are applicable
21 generally to other enrolled students at the Illinois
22 institution of higher learning where the Scholarship is being
23 used. If the surviving spouse remarries or if there is a
24 divorce between the veteran or serviceperson and his or her
25 spouse while the dependent is pursuing his or her course of
26 study, Scholarship benefits will be terminated at the end of

1 the term for which he or she is presently enrolled. Such
2 dependents shall also be entitled, upon proper proof and
3 application, to enroll in any extension course offered by a
4 State supported Illinois institution of higher learning
5 without payment of tuition and approved fees.

6 The holder of a MIA/POW Scholarship authorized under this
7 Section shall not be required to pay any matriculation or
8 application fees, tuition, activities fees, graduation fees or
9 other fees, except multipurpose building fees or similar fees
10 for supplies and materials.

11 Any dependent who has been or shall be awarded a MIA/POW
12 Scholarship shall be reimbursed by the appropriate institution
13 of higher learning for any fees which he or she has paid and
14 for which exemption is granted under this Section if
15 application for reimbursement is made within 2 months following
16 the end of the school term for which the fees were paid.

17 (b) In lieu of the benefit provided in subsection (a), any
18 spouse, natural child, legally adopted child, or step-child of
19 an eligible veteran or serviceperson, which spouse or child has
20 a physical, mental or developmental disability, shall be
21 entitled to receive, upon application and proper proof, a
22 benefit to be used for the purpose of defraying the cost of the
23 attendance or treatment of such spouse or child at one or more
24 appropriate therapeutic, rehabilitative or educational
25 facilities. The application and proof may be made by the parent
26 or legal guardian of the spouse or child on his or her behalf.

1 The total benefit provided to any beneficiary under this
2 subsection shall not exceed the cost equivalent of 4 calendar
3 years of full-time enrollment, including summer terms, at the
4 University of Illinois. Whenever practicable in the opinion of
5 the Department of Veterans' Affairs, payment of benefits under
6 this subsection shall be made directly to the facility, the
7 cost of attendance or treatment at which is being defrayed, as
8 such costs accrue.

9 (c) The benefits of this Section shall be administered by
10 and paid for out of funds made available to the Illinois
11 Department of Veterans' Affairs. The amounts that become due to
12 any state supported Illinois institution of higher learning
13 shall be payable by the Comptroller to such institution on
14 vouchers approved by the Illinois Department of Veterans'
15 Affairs. The amounts that become due under subsection (b) of
16 this Section shall be payable by warrant upon vouchers issued
17 by the Illinois Department of Veterans' Affairs and approved by
18 the Comptroller. The Illinois Department of Veterans' Affairs
19 shall determine the eligibility of the persons who make
20 application for the benefits provided for in this Section.

21 (Source: P.A. 99-78, eff. 7-20-15; 99-143, eff. 7-27-15;
22 revised 9-2-16.)

23 (105 ILCS 5/34-18.49)

24 Sec. 34-18.49. Carbon monoxide alarm required.

25 (a) In this Section:

1 "Approved carbon monoxide alarm" and "alarm" have the
2 meaning ascribed to those terms in the Carbon Monoxide Alarm
3 Detector Act.

4 "Carbon monoxide detector" and "detector" mean a device
5 having a sensor that responds to carbon monoxide gas and that
6 is connected to an alarm control unit and approved in
7 accordance with rules adopted by the State Fire Marshal.

8 (b) The board shall require that each school under its
9 authority be equipped with approved carbon monoxide alarms or
10 carbon monoxide detectors. The alarms must be powered as
11 follows:

12 (1) For a school designed before January 1, 2016 (the
13 effective date of Public Act 99-470) ~~this amendatory Act of~~
14 ~~the 99th General Assembly~~, alarms powered by batteries are
15 permitted. Alarms permanently powered by the building's
16 electrical system and monitored by any required fire alarm
17 system are also permitted.

18 (2) For a school designed on or after January 1, 2016
19 ~~(the effective date of Public Act 99-470)~~ ~~this amendatory~~
20 ~~Act of the 99th General Assembly~~, alarms must be
21 permanently powered by the building's electrical system or
22 be an approved carbon monoxide detection system. An
23 installation required in this subdivision (2) must be
24 monitored by any required fire alarm system.

25 Alarms or detectors must be located within 20 feet of a
26 carbon monoxide emitting device. Alarms or detectors must be in

1 operating condition and be inspected annually. A school is
2 exempt from the requirements of this Section if it does not
3 have or is not close to any sources of carbon monoxide. A
4 school must require plans, protocols, and procedures in
5 response to the activation of a carbon monoxide alarm or carbon
6 monoxide detection system.

7 (Source: P.A. 99-470, eff. 1-1-16; revised 9-6-16.)

8 (105 ILCS 5/34-18.50)

9 Sec. 34-18.50. Accelerate College pilot program. The
10 district may enter into an Accelerate College educational
11 partnership agreement as authorized under Section 3-42.4 of the
12 Public Community College Act.

13 (Source: P.A. 99-611, eff. 7-22-16.)

14 (105 ILCS 5/34-18.51)

15 Sec. 34-18.51 ~~34-18.49~~. Committee on the retention of
16 students.

17 (a) The board may create a committee on the retention of
18 students. The committee shall consist of the general
19 superintendent of schools or his or her designee, a district
20 administrator who directs student instruction and curriculum,
21 a principal from a school of the district, and a teacher from a
22 school of the district.

23 (b) Prior to retention in a grade, a school may submit, by
24 a date as set by the committee on the retention of students,

1 the names of all students determined by the school to not
2 qualify for promotion to the next higher grade and the reason
3 for that determination. The committee shall review the school's
4 decision to retain with respect to each student and shall make
5 a final decision regarding whether or not to retain a
6 particular student. The committee shall take into
7 consideration the relevant data and evidence gathered during
8 the Response to Intervention process. The committee may vote to
9 overturn a retention decision if the committee determines that
10 the student should be promoted after examining the student's
11 access to remedial assistance, performance, attendance, and
12 participation and the resources and facilities provided by the
13 school district or due to the student having an undiagnosed
14 learning disability.

15 (Source: P.A. 99-592, eff. 7-22-16; revised 9-6-16.)

16 (105 ILCS 5/34-18.52)

17 Sec. 34-18.52 ~~34-18.50~~. DCFS liaison.

18 (a) The board may appoint at least one employee to act as a
19 liaison to facilitate the enrollment and transfer of records of
20 students in the legal custody of the Department of Children and
21 Family Services when enrolling in or changing schools. The
22 board may appoint any employee of the school district who is
23 licensed under Article 21B of this Code to act as a liaison;
24 however, employees who meet any of the following criteria must
25 be prioritized for appointment:

1 (1) Employees who have worked with mobile student
2 populations or students in foster care.

3 (2) Employees who are familiar with enrollment, record
4 transfers, existing community services, and student
5 support services.

6 (3) Employees who serve as a high-level administrator.

7 (4) Employees who are counselors or have experience
8 with student counseling.

9 (5) Employees who are knowledgeable on child welfare
10 policies.

11 (6) Employees who serve as a school social worker.

12 (b) Liaisons under this Section are encouraged to build
13 capacity and infrastructure within the school district to
14 support students in the legal custody of the Department of
15 Children and Family Services. Liaison responsibilities may
16 include the following:

17 (1) streamlining the enrollment processes for students
18 in foster care;

19 (2) implementing student data tracking and monitoring
20 mechanisms;

21 (3) ensuring that students in the legal custody of the
22 Department of Children and Family Services receive all
23 school nutrition and meal programs available;

24 (4) coordinating student withdrawal from a school,
25 record transfers, and credit recovery;

26 (5) becoming experts on the foster care system and

1 State laws and policies in place that support children
2 under the legal custody of the Department of Children and
3 Family Services;

4 (6) coordinating with child welfare partners;

5 (7) providing foster care-related information and
6 training to the school district;

7 (8) working with the Department of Children and Family
8 Services to help students maintain their school placement,
9 if appropriate;

10 (9) reviewing student schedules to ensure that
11 students are on track to graduate;

12 (10) encouraging a successful transition into
13 adulthood and post-secondary opportunities;

14 (11) encouraging involvement in extracurricular
15 activities; and

16 (12) knowing what support is available within the
17 school district and community for students in the legal
18 custody of the Department of Children and Family Services.

19 (c) The school district is encouraged to designate a
20 liaison by the beginning of the 2017-2018 school year.

21 (d) Individuals licensed under Article 21B of this Code
22 acting as a liaison under this Section shall perform the duties
23 of a liaison in addition to existing contractual obligations.

24 (Source: P.A. 99-781, eff. 8-12-16; revised 10-18-16.)

25 (105 ILCS 5/34-54.2) (from Ch. 122, par. 34-54.2)

1 Sec. 34-54.2. Taxes levied in 1989 and 1990.

2 (a) All real property taxes levied by the board in 1989 and
3 1990 are confirmed and validated, and are declared to be and
4 are valid, in all respects as if they had been timely and
5 properly levied by the city council upon the demand and
6 direction of the Board. It shall not be a valid ground for any
7 person in any way to object to, protest, bring any proceeding
8 with regard to or defend against the collection of any such
9 taxes, that the taxes were levied by the board.

10 (b) The board may levy taxes against all taxable property
11 located within the city in an amount equal to all taxes
12 purported to be levied by the board in 1989 and in 1990, for
13 each purpose for which taxes were purported so to be levied, to
14 the extent those taxes shall not yet have been extended for
15 collection at the time of the levy authorized by this paragraph
16 (b). The taxes authorized to be levied by this paragraph (b)
17 shall be levied by a resolution of the board selected pursuant
18 to Public Act 86-1477 ~~this amendatory Act of 1991~~. The
19 resolution shall be adopted upon concurrence of a majority of
20 the members of the board. The taxes levied pursuant to this
21 paragraph (b) shall be extended for collection in 1991 and
22 subsequent years and in amounts so that they do not exceed the
23 maximum rates at which taxes may be extended for the various
24 school purposes, all as shall be set forth in a certificate of
25 the controller of the board as provided in Section ~~Sec.~~ 34-54.1
26 of this ~~the School Code, as amended~~. Taxes levied pursuant to

1 this paragraph (b) shall be in addition to all other taxes
2 which have been or may be levied by or for the board, except
3 that the extension of taxes levied pursuant to this paragraph
4 (b), to the extent valid and legal in all respects, shall be an
5 abatement of the same amount of taxes previously purported to
6 be levied by the board which were to have been extended in the
7 same year for the same purpose, it being the intention of the
8 General Assembly that there not be extended duplicate taxes for
9 the same year and purpose. It shall not be necessary that the
10 board give any notice or conduct any hearings for any purpose
11 whatsoever or to have adopted any proceedings with respect to
12 any budget, in connection with the levy and extension of taxes
13 pursuant to this paragraph (b). The board shall cause a
14 certified copy of its resolution levying taxes pursuant to this
15 paragraph (b) to be filed with the county clerk of each county
16 in which any taxable property in the city is located within 30
17 days after the adoption of the resolution.

18 (Source: P.A. 86-1477; revised 9-2-16.)

19 (105 ILCS 5/34A-404) (from Ch. 122, par. 34A-404)

20 Sec. 34A-404. Budgets. The Board shall develop and adopt
21 and submit to the Authority on or before February 1, 1980, for
22 approval by the Authority, a revised Budget for the remaining
23 portion of the Fiscal Year ending in 1980 and, thereafter, an
24 annual Budget for each Fiscal Year. After adoption by the
25 Board, the Board shall submit each Budget to the Authority for

1 its approval not later than 30 days prior to the commencement
2 of the Fiscal Year to which the Budget relates. The Authority
3 shall approve or reject the Budget within 15 days of its
4 receipt from the Board. No Budget shall have force or effect
5 without approval of the Authority. Each Budget shall be
6 developed, submitted, approved and monitored in accordance
7 with the following procedures:

8 (a) Each Budget submitted by the Board shall be based
9 upon revenue estimates approved or prepared by the
10 Authority, as provided in paragraph (a) of Section 34A-403
11 of this Article.

12 (b) Each Budget shall contain such information and
13 detail as may be prescribed by the Authority. The Authority
14 may also prescribe any reasonable time, standards,
15 procedures or forms for preparation and submission of the
16 Budget. Any deficit for the Fiscal Year ending in 1981 and
17 for any Fiscal Year thereafter shall be included as a
18 current expense item for the succeeding Fiscal Year.

19 (c) (1) The Authority shall approve each Budget if, in
20 its judgment, the Budget is complete, is reasonably capable
21 of being achieved, will meet the requirement set forth in
22 Section 34A-402 of this Article, and will be consistent
23 with the Financial Plan in effect. Otherwise, the Authority
24 shall reject the Budget. In the event of rejection, the
25 Authority may prescribe a procedure and standards for
26 revision of the Budget by the Board.

1 ~~(e)~~ (2) For any Fiscal Year, the Authority may approve a
2 provisional budget that, in its judgment, will satisfy the
3 standards of subdivision (c)(1) of this Section if,
4 notwithstanding the provisions of the Illinois Educational
5 Labor Relations Act or any other law to the contrary, the
6 amount appropriated therein for all spending for
7 operations shall not at any time, on an annualized basis,
8 exceed an Expenditure Limitation established by the
9 Authority. The Authority may establish and enforce,
10 including by exercise of its powers under Section
11 34A-409(b), such monitoring and control measures as it
12 deems necessary to assure that the commitments,
13 obligations, expenditures, and cash disbursements of the
14 Board continue to conform on an ongoing basis with any
15 Expenditure Limitation. No commitment, contract, or other
16 obligation of the Board in excess of the Expenditure
17 Limitation shall be legally binding, and any member of the
18 Board or any local school council, or officer, employee or
19 agent thereof, who violates the provisions of this Section
20 shall be subject to the provisions of Sections 34-52 and
21 34A-608. An Expenditure Limitation established by the
22 Authority shall remain in effect for that Fiscal Year or
23 until revoked by the Authority.

24 (d) The Board shall report to the Authority at such
25 times and in such manner as the Authority may direct,
26 concerning the Board's compliance with each Budget. The

1 Authority may review the Board's operations, obtain
2 budgetary data and financial statements, require the Board
3 to produce reports, and have access to any other
4 information in the possession of the Board that the
5 Authority deems relevant. The Authority may issue
6 recommendations or directives within its powers to the
7 Board to assure compliance with the Budget. The Board shall
8 produce such budgetary data, financial statements, reports
9 and other information and comply with such directives.

10 (e) After approval of each Budget, the Board shall
11 promptly notify the Authority of any material change in the
12 revenue or expenditure estimates in the Budget. The Board
13 may submit to the Authority, or the Authority may require
14 the Board to submit, a supplemental Budget. The Authority
15 shall approve or reject each supplemental Budget pursuant
16 to paragraph (c) of this Section.

17 (Source: P.A. 88-511; revised 9-2-16.)

18 Section 335. The Education for Homeless Children Act is
19 amended by changing Section 1-10 as follows:

20 (105 ILCS 45/1-10)

21 Sec. 1-10. Choice of schools.

22 (a) When a child loses permanent housing and becomes a
23 homeless person within the meaning of Section 1-5 ~~5~~, or when a
24 homeless child changes his or her temporary living

1 arrangements, the parents or guardians of the homeless child
2 shall have the option of either:

3 (1) continuing the child's education in the school of
4 origin for as long as the child remains homeless or, if the
5 child becomes permanently housed, until the end of the
6 academic year during which the housing is acquired; or

7 (2) enrolling the child in any school that nonhomeless
8 students who live in the attendance area in which the child
9 or youth is actually living are eligible to attend.

10 (Source: P.A. 88-634, eff. 1-1-95; revised 10-25-16.)

11 Section 340. The Speech Rights of Student Journalists Act
12 is amended by changing Section 5 as follows:

13 (105 ILCS 80/5)

14 Sec. 5. Definitions. As used in this Act:

15 "School official" means a school's principal or his or her
16 designee."

17 "School-sponsored media" means any material that is
18 prepared, substantially written, published, or broadcast by a
19 student journalist at a public school, distributed or generally
20 made available to members of the student body, and prepared
21 under the direction of a student media adviser.
22 School-sponsored media does not include media intended for
23 distribution or transmission solely in the classroom in which
24 the media is produced.

1 "Student journalist" means a public high school student who
2 gathers, compiles, writes, edits, photographs, records, or
3 prepares information for dissemination in school-sponsored
4 media.

5 "Student media adviser" means an individual employed,
6 appointed, or designated by a school district to supervise or
7 provide instruction relating to school-sponsored media.

8 (Source: P.A. 99-678, eff. 7-29-16; revised 10-25-16.)

9 Section 345. The Career and Workforce Transition Act is
10 amended by changing Section 5 as follows:

11 (110 ILCS 151/5)

12 Sec. 5. Definitions. In this Act:

13 "Board" means the Illinois Community College Board.

14 "Institution" means a non-degree granting institution that
15 is regulated and approved by the Board of Higher Education
16 under the Private Business and Vocational Schools Act of 2012
17 and that is nationally accredited by an accreditor approved by
18 the U.S. Department of Education.

19 (Source: P.A. 99-468, eff. 1-1-16; revised 10-25-16.)

20 Section 350. The University of Illinois Construction
21 Financing Act is amended by changing Section 1 as follows:

22 (110 ILCS 415/1) (from Ch. 144, par. 68)

1 Sec. 1. For the purpose of obtaining a grant or inducing
2 the making of a grant by the United States or any agency
3 thereof (herein called the "Government") or a grant, gift or
4 loan by or from any person or corporation, to aid in financing
5 the acquiring, constructing or equipping of any one or more, or
6 all university, college, or educational building or buildings
7 (herein called the "project") on which the Board of Trustees of
8 the University of Illinois (herein called the "Board") shall
9 enter into a year-to-year ~~year-to-year~~ or other lease, or be
10 given the privilege to enter into any such lease, the Board
11 shall have the following powers in addition to those conferred
12 by other laws:

13 1. To create a trust or trusts (the trustee or trustees
14 thereunder being herein called the "active trustee"±) for
15 the purpose of acquiring, constructing, equipping any one
16 or more, or all, such projects and providing for the use
17 thereof during such period as the Board may determine and
18 for other purposes, which trust may be for exclusively
19 university or other public educational purposes; to
20 convey, upon such terms as it may determine, any of its
21 property to an active trustee to be held in trust under the
22 terms and provisions of the trust agreement relating
23 thereto;

24 2. To enter into trust agreements creating trusts which
25 shall be and constitute charitable trusts and shall not be
26 subject to the rule against perpetuities, providing the

1 powers and duties of the active trustee, which may consist
2 of such powers and duties as the Board may deem necessary
3 or convenient to accomplish the purposes of the trust,
4 including, without limiting the generality of the
5 foregoing, the power of such active trustee:

6 (a) to construct, reconstruct, improve, alter and
7 repair any such project; to hold, manage, operate, use,
8 insure, lease or rent any project;

9 (b) to issue negotiable bonds, notes or interim
10 receipts (herein called the "bonds") maturing over a
11 period not exceeding 30 years for the purpose of aiding
12 in financing any project and to make covenants securing
13 the bonds or relating to the bonds and the disposition
14 and use of the proceeds thereof;

15 (c) to secure such bonds by an indenture to a
16 trustee or trustees for the holders of such bonds
17 (herein called the "bondholders' trustee") providing
18 the rights and powers of such trustee and of the
19 bondholders, their respective rights to enforce the
20 payment of the bonds or any covenants securing or
21 relating to same, which shall not, however, include the
22 right to forfeit or obtain title to the project through
23 foreclosure proceedings or otherwise; to covenant as
24 to events of default, the consequences thereof and the
25 conditions upon which bonds may become or be declared
26 due before maturity;

1 (d) to confer upon the bondholders' trustee the
2 power, in case of a default under the bonds or
3 indenture securing same, to enforce the payments of all
4 sums due under leases of any project, to compel the
5 performance of any covenants or conditions therein, to
6 take possession, use, operate, manage and control any
7 project and collect and dispose of the rents therefrom;
8 in the event that such powers are conferred upon the
9 bondholders' trustee, same may be exercised by it
10 without its forfeiting or obtaining title to the
11 project through foreclosure proceedings or otherwise;

12 (e) to confer upon the bondholders' trustee the
13 power, in case of a default under the bonds or
14 indenture securing same, to lease, use or operate a
15 project for purposes other than those for which the
16 active trustee itself may lease, use or operate same;
17 the conferring of such power upon the bondholders'
18 trustee shall not, however, affect the validity or
19 exclusively public educational character of a trust or
20 the property held by the active trustee thereunder;

21 (f) to execute all instruments and contracts and to
22 do all things necessary or convenient to carry out the
23 powers conferred by such trust agreement.

24 3. To enter into agreements creating or authorizing the
25 creation of special funds for moneys held for the
26 construction of any project and to covenant as to the use

1 and disposition of the moneys held in such funds;

2 4. To enter into a year-to-year ~~year-to-year~~ or other
3 lease on any such projects, with the privilege in the Board
4 of terminating or not renewing such lease for any year or
5 years, upon giving such notice as may be prescribed in such
6 lease; such lease shall be in such form, with such rental,
7 terms, parties and conditions as the Board may determine;
8 to obtain options to lease any such projects from year to
9 year, and to exercise such options; to vest in its lessor
10 and in a trustee for the holders of bonds issued by its
11 lessor, the right by mandamus, injunction, civil action or
12 proceedings, to enforce the payment by the Board of any
13 sums due under any such lease or to compel its performance
14 of any covenants or conditions contained therein;

15 5. To agree with the Government that if the Board
16 leases any such project or projects from an active trustee,
17 a bondholders' trustee or otherwise, the Board shall pledge
18 for the payment of its rentals or the performance of its
19 obligations under any such lease its own receipts,
20 collections or trust funds thereunto available (herein
21 called "funds") which it is authorized by law to retain in
22 its own treasury for the performance of any contract or
23 undertaking with the Government or any person in connection
24 with any grant, advance, loan, trust agreement or contract
25 for the erection of a building or buildings; to pledge and
26 use said funds for the payment of its rents or for the

1 performance of its obligations under any such lease;
2 provided, however, that the aggregate amount pledged by the
3 Board for the payment in any year of rentals or obligations
4 under such lease or leases of any project for the
5 construction of which the Government makes both a loan and
6 a grant together with all sums pledged for the payment in
7 any such year of other obligations incurred by the Board
8 under the University of Illinois Works Projects Act ~~"An Act~~
9 ~~to authorize the Board of Trustees of the University of~~
10 ~~Illinois to enter into contracts with the United States for~~
11 ~~the erection of buildings and improvements, pursuant to~~
12 ~~Public Resolution 11, 74th Congress, First Session, House~~
13 ~~Joint Resolution 117, approved by the President of the~~
14 ~~United States April 8, 1935, at 4:00 p.m., and to authorize~~
15 ~~the financing of such improvements in conformity with such~~
16 ~~resolution, the National Industrial Recovery Act, and such~~
17 ~~other Acts of Congress enacted for the purpose of aiding~~
18 ~~the processes of national recovery," approved July 11,~~
19 ~~1935,~~ or this Act, or under both such Acts, for the
20 construction of which the Government makes both a loan and
21 a grant, and including the Congressional Resolution
22 approved June 29, 1937, as amended June 21, 1938, known as
23 Federal Public Buildings Appropriation Act of 1938, and
24 other acts of the United States Congress heretofore or
25 hereafter enacted for the purpose of providing public
26 buildings for the States and governmental agencies

1 thereof, shall not exceed the sum of \$100,000; to covenant
2 against pledging all or any part of said receipts or
3 collections or permitting or suffering any lien thereon;

4 6. To create a trust or trusts, in which the Board
5 itself may serve as trustee, for the acquisition, through
6 lease, purchase or construction, and for maintenance and
7 operation of self-liquidating buildings, such as a student
8 center building or student residence halls, or both,
9 through the collection of service charges or rentals from
10 students, and for whose use such funds shall be held by the
11 Board in its own treasury, which service charges or rentals
12 shall be so held in trust by the Board and expended solely
13 for the purpose described in the instruments creating the
14 trust or trusts;

15 7. To exercise all or any part or combination of the
16 powers herein granted and to execute all instruments and
17 contracts and to do all things necessary or convenient to
18 carry out the powers herein granted; provided, however,
19 that the obligations under leases, trust agreements or
20 otherwise incurred by the Board pursuant to this Act shall
21 not be a debt of the State of Illinois and the State shall
22 not be liable thereon, and provided further that the bonds
23 and other obligations of an active trustee appointed
24 hereunder by the Board shall not be a debt of the Board or
25 the State and neither the Board nor the State shall be
26 liable thereon, and the bonds shall in substance so recite.

1 The obligations under leases, trust agreements or
2 otherwise incurred hereunder by the Board and the bonds or
3 other obligations of an active trustee appointed hereunder
4 shall not constitute an indebtedness within the meaning of
5 any constitutional or other debt limitation or
6 restriction.

7 (Source: P.A. 83-345; revised 9-2-16.)

8 Section 355. The Higher Education Student Assistance Act is
9 amended by changing Sections 90 and 135 as follows:

10 (110 ILCS 947/90)

11 Sec. 90. State income tax refund and other payment
12 intercept. The Commission may provide by rule for
13 certification to the Comptroller: (a) of delinquent or
14 defaulted amounts due and owing ~~owing~~ from a borrower on any
15 loan guaranteed by the Commission under this Act or on any
16 "eligible loan" as that term is defined under the Educational
17 Loan Purchase Program Law; and (b) of any amounts recoverable
18 under Section 120 in a civil action from a person who received
19 a scholarship, grant, monetary award, or guaranteed loan. The
20 purpose of certification shall be to intercept State income tax
21 refunds and other payments due such borrowers and persons in
22 order to satisfy, in whole or in part: (i) delinquent or
23 defaulted amounts due and owing from any such borrower on any
24 such guaranteed or eligible loan; and (ii) amounts recoverable

1 from a person against whom a civil action will lie under the
2 provisions of Section 120. The rule shall provide for notice to
3 any such borrower or person affected, and any final
4 administrative decision rendered by the Commission with
5 respect to any certification made pursuant to this Section
6 shall be reviewed only under and in accordance with the
7 Administrative Review Law.

8 (Source: P.A. 87-997; revised 9-2-16.)

9 (110 ILCS 947/135)

10 Sec. 135. Definitions. In this Act, and except to the
11 extent that any of the following words or phrases is
12 specifically qualified by its context:

13 (a) "Purchase Program" means the Commission exercising its
14 power to establish a secondary market for certain loans of
15 borrowers by the purchase thereof with the proceeds from the
16 sale of the bonds of the Commission issued pursuant to this
17 Act, with the earnings received by the Commission from any
18 authorized investment, or with eligible loan receipts.

19 (b) "Eligible loans" means loans of borrowers made,
20 purchased, or guaranteed by or transferred to the Commission,
21 including but not limited to loans on which:

22 (1) the borrower is contractually delinquent in his
23 repayment obligations within time limitations specified by
24 the Commission; or

25 (2) the borrower is temporarily unable to meet his

1 repayment obligations for reasons of unemployment, or
2 financial, medical or other hardship as determined by the
3 Commission; or

4 (3) the borrower has at least one loan held by the
5 Commission under the Purchase Program; or

6 (4) the borrower's lender, because of the bankruptcy of
7 that lender, is no longer able or the Commission otherwise
8 determines that such lender is no longer able to
9 satisfactorily service the borrower's loan or fulfill the
10 borrower's credit needs under the Commission's program; or

11 (5) the borrower has defaulted on his loan, but has
12 subsequently established a satisfactory repayment history
13 under the rules of the Commission; and notwithstanding the
14 limitations of this Act, the Purchase Program shall have
15 the authority to purchase those defaulted accounts in order
16 to restore the borrower's credit rating and continued
17 eligibility for benefits under other Federal student
18 assistance programs.

19 Nothing in this Act shall be construed to prohibit the
20 Commission from making or purchasing any category of loans if
21 the Commission determines that the making or purchasing of such
22 loans would tend to make more loans available to eligible
23 borrowers.

24 Nothing in this Act shall be construed to excuse the holder
25 of an eligible loan from exercising reasonable care and
26 diligence in the making and collecting of such loans. If the

1 Commission finds that the lender has substantially failed to
2 exercise that care and diligence, the Commission shall
3 disqualify the lender from participation in Commission
4 programs until the Commission is satisfied that the lender's
5 failure has ceased and finds that there is reasonable assurance
6 that the lender will in the future exercise necessary care and
7 diligence and comply with the rules and regulations of the
8 Commission.

9 (c) "Eligible loan receipts" means any of the following:

10 (1) Principal, accrued interest, late charges and
11 other sums paid on eligible loans held by the Commission.

12 (2) Reimbursements paid by the federal government, the
13 State of Illinois, the Commission exercising its power to
14 guarantee the loans of borrowers, or any other source held
15 by the Commission.

16 (3) Accruing interest payments and special allowance
17 payments paid by the federal government pursuant to the
18 Higher Education Act of 1965~~7~~ or any other federal statute
19 providing for federal payment of interest and special
20 allowances on loans or by any other source on eligible
21 loans held by the Commission.

22 (4) Any other sums paid by any source to the Commission
23 on or for eligible loans held by the Commission.

24 (d) "Bonds" means bonds, notes, and other evidences of
25 borrowing of the Commission.

26 (Source: P.A. 88-553; 89-442, eff. 12-21-95; revised 9-2-16.)

1 Section 360. The Savings Bank Act is amended by changing
2 Sections 4013, 5001, and 9002.5 as follows:

3 (205 ILCS 205/4013) (from Ch. 17, par. 7304-13)

4 Sec. 4013. Access to books and records; communication with
5 members and shareholders.

6 (a) Every member or shareholder shall have the right to
7 inspect books and records of the savings bank that pertain to
8 his accounts. Otherwise, the right of inspection and
9 examination of the books and records shall be limited as
10 provided in this Act, and no other person shall have access to
11 the books and records nor shall be entitled to a list of the
12 members or shareholders.

13 (b) For the purpose of this Section, the term "financial
14 records" means any original, any copy, or any summary of (1) a
15 document granting signature authority over a deposit or
16 account; (2) a statement, ledger card, or other record on any
17 deposit or account that shows each transaction in or with
18 respect to that account; (3) a check, draft, or money order
19 drawn on a savings bank or issued and payable by a savings
20 bank; or (4) any other item containing information pertaining
21 to any relationship established in the ordinary course of a
22 savings bank's business between a savings bank and its
23 customer, including financial statements or other financial
24 information provided by the member or shareholder.

1 (c) This Section does not prohibit:

2 (1) The preparation, examination, handling, or
3 maintenance of any financial records by any officer,
4 employee, or agent of a savings bank having custody of
5 records or examination of records by a certified public
6 accountant engaged by the savings bank to perform an
7 independent audit.

8 (2) The examination of any financial records by, or the
9 furnishing of financial records by a savings bank to, any
10 officer, employee, or agent of the Commissioner of Banks
11 and Real Estate or the federal depository institution
12 regulator for use solely in the exercise of his duties as
13 an officer, employee, or agent.

14 (3) The publication of data furnished from financial
15 records relating to members or holders of capital where the
16 data cannot be identified to any particular member,
17 shareholder, or account.

18 (4) The making of reports or returns required under
19 Chapter 61 of the Internal Revenue Code of 1986.

20 (5) Furnishing information concerning the dishonor of
21 any negotiable instrument permitted to be disclosed under
22 the Uniform Commercial Code.

23 (6) The exchange in the regular course of business of
24 (i) credit information between a savings bank and other
25 savings banks or financial institutions or commercial
26 enterprises, directly or through a consumer reporting

1 agency or (ii) financial records or information derived
2 from financial records between a savings bank and other
3 savings banks or financial institutions or commercial
4 enterprises for the purpose of conducting due diligence
5 pursuant to a purchase or sale involving the savings bank
6 or assets or liabilities of the savings bank.

7 (7) The furnishing of information to the appropriate
8 law enforcement authorities where the savings bank
9 reasonably believes it has been the victim of a crime.

10 (8) The furnishing of information pursuant to the
11 Uniform Disposition of Unclaimed Property Act.

12 (9) The furnishing of information pursuant to the
13 Illinois Income Tax Act and the Illinois Estate and
14 Generation-Skipping Transfer Tax Act.

15 (10) The furnishing of information pursuant to the
16 federal "Currency and Foreign Transactions Reporting Act",
17 (Title 31, United States Code, Section 1051 et seq.).

18 (11) The furnishing of information pursuant to any
19 other statute which by its terms or by regulations
20 promulgated thereunder requires the disclosure of
21 financial records other than by subpoena, summons,
22 warrant, or court order.

23 (12) The furnishing of information in accordance with
24 the federal Personal Responsibility and Work Opportunity
25 Reconciliation Act of 1996. Any savings bank governed by
26 this Act shall enter into an agreement for data exchanges

1 with a State agency provided the State agency pays to the
2 savings bank a reasonable fee not to exceed its actual cost
3 incurred. A savings bank providing information in
4 accordance with this item shall not be liable to any
5 account holder or other person for any disclosure of
6 information to a State agency, for encumbering or
7 surrendering any assets held by the savings bank in
8 response to a lien or order to withhold and deliver issued
9 by a State agency, or for any other action taken pursuant
10 to this item, including individual or mechanical errors,
11 provided the action does not constitute gross negligence or
12 willful misconduct. A savings bank shall have no obligation
13 to hold, encumber, or surrender assets until it has been
14 served with a subpoena, summons, warrant, court or
15 administrative order, lien, or levy.

16 (13) The furnishing of information to law enforcement
17 authorities, the Illinois Department on Aging and its
18 regional administrative and provider agencies, the
19 Department of Human Services Office of Inspector General,
20 or public guardians: (i) upon subpoena by the investigatory
21 entity or the guardian, or (ii) if there is suspicion by
22 the savings bank that a customer who is an elderly person
23 or person with a disability has been or may become the
24 victim of financial exploitation. For the purposes of this
25 item (13), the term: (i) "elderly person" means a person
26 who is 60 or more years of age, (ii) "person with a

1 disability" means a person who has or reasonably appears to
2 the savings bank to have a physical or mental disability
3 that impairs his or her ability to seek or obtain
4 protection from or prevent financial exploitation, and
5 (iii) "financial exploitation" means tortious or illegal
6 use of the assets or resources of an elderly person or
7 person with a disability, and includes, without
8 limitation, misappropriation of the assets or resources of
9 the elderly person or person with a disability by undue
10 influence, breach of fiduciary relationship, intimidation,
11 fraud, deception, extortion, or the use of assets or
12 resources in any manner contrary to law. A savings bank or
13 person furnishing information pursuant to this item (13)
14 shall be entitled to the same rights and protections as a
15 person furnishing information under the Adult Protective
16 Services Act and the Illinois Domestic Violence Act of
17 1986.

18 (14) The disclosure of financial records or
19 information as necessary to effect, administer, or enforce
20 a transaction requested or authorized by the member or
21 holder of capital, or in connection with:

22 (A) servicing or processing a financial product or
23 service requested or authorized by the member or holder
24 of capital;

25 (B) maintaining or servicing an account of a member
26 or holder of capital with the savings bank; or

1 (C) a proposed or actual securitization or
2 secondary market sale (including sales of servicing
3 rights) related to a transaction of a member or holder
4 of capital.

5 Nothing in this item (14), however, authorizes the sale
6 of the financial records or information of a member or
7 holder of capital without the consent of the member or
8 holder of capital.

9 (15) The exchange in the regular course of business of
10 information between a savings bank and any commonly owned
11 affiliate of the savings bank, subject to the provisions of
12 the Financial Institutions Insurance Sales Law.

13 (16) The disclosure of financial records or
14 information as necessary to protect against or prevent
15 actual or potential fraud, unauthorized transactions,
16 claims, or other liability.

17 (17) (a) The disclosure of financial records or
18 information related to a private label credit program
19 between a financial institution and a private label party
20 in connection with that private label credit program. Such
21 information is limited to outstanding balance, available
22 credit, payment and performance and account history,
23 product references, purchase information, and information
24 related to the identity of the customer.

25 (b) (1) For purposes of this paragraph (17) of
26 subsection (c) of Section 4013, a "private label credit

1 program" means a credit program involving a financial
2 institution and a private label party that is used by a
3 customer of the financial institution and the private label
4 party primarily for payment for goods or services sold,
5 manufactured, or distributed by a private label party.

6 (2) For purposes of this paragraph (17) of subsection
7 (c) of Section 4013, a "private label party" means, with
8 respect to a private label credit program, any of the
9 following: a retailer, a merchant, a manufacturer, a trade
10 group, or any such person's affiliate, subsidiary, member,
11 agent, or service provider.

12 (d) A savings bank may not disclose to any person, except
13 to the member or holder of capital or his duly authorized
14 agent, any financial records relating to that member or
15 shareholder of the savings bank unless:

16 (1) the member or shareholder has authorized
17 disclosure to the person; or

18 (2) the financial records are disclosed in response to
19 a lawful subpoena, summons, warrant, citation to discover
20 assets, or court order that meets the requirements of
21 subsection (e) of this Section.

22 (e) A savings bank shall disclose financial records under
23 subsection (d) of this Section pursuant to a lawful subpoena,
24 summons, warrant, citation to discover assets, or court order
25 only after the savings bank mails a copy of the subpoena,
26 summons, warrant, citation to discover assets, or court order

1 to the person establishing the relationship with the savings
2 bank, if living, and otherwise, his personal representative, if
3 known, at his last known address by first class mail, postage
4 prepaid, unless the savings bank is specifically prohibited
5 from notifying the person by order of court.

6 (f) Any officer or employee of a savings bank who knowingly
7 and willfully furnishes financial records in violation of this
8 Section is guilty of a business offense and, upon conviction,
9 shall be fined not more than \$1,000.

10 (g) Any person who knowingly and willfully induces or
11 attempts to induce any officer or employee of a savings bank to
12 disclose financial records in violation of this Section is
13 guilty of a business offense and, upon conviction, shall be
14 fined not more than \$1,000.

15 (h) If any member or shareholder desires to communicate
16 with the other members or shareholders of the savings bank with
17 reference to any question pending or to be presented at an
18 annual or special meeting, the savings bank shall give that
19 person, upon request, a statement of the approximate number of
20 members or shareholders entitled to vote at the meeting and an
21 estimate of the cost of preparing and mailing the
22 communication. The requesting member shall submit the
23 communication to the Commissioner who, upon finding it to be
24 appropriate and truthful, shall direct that it be prepared and
25 mailed to the members upon the requesting member's or
26 shareholder's payment or adequate provision for payment of the

1 expenses of preparation and mailing.

2 (i) A savings bank shall be reimbursed for costs that are
3 necessary and that have been directly incurred in searching
4 for, reproducing, or transporting books, papers, records, or
5 other data of a customer required to be reproduced pursuant to
6 a lawful subpoena, warrant, citation to discover assets, or
7 court order.

8 (j) Notwithstanding the provisions of this Section, a
9 savings bank may sell or otherwise make use of lists of
10 customers' names and addresses. All other information
11 regarding a customer's account are subject to the disclosure
12 provisions of this Section. At the request of any customer,
13 that customer's name and address shall be deleted from any list
14 that is to be sold or used in any other manner beyond
15 identification of the customer's accounts.

16 (Source: P.A. 98-49, eff. 7-1-13; 99-143, eff. 7-27-15; revised
17 9-14-16.)

18 (205 ILCS 205/5001) (from Ch. 17, par. 7305-1)

19 Sec. 5001. Minimum capital.

20 (a) A savings ~~saving~~ bank may be organized to exercise the
21 powers conferred by this Act with minimum capital, surplus, and
22 reserves for operating expenses as determined by the
23 Commissioner. In no case may the Commissioner establish
24 requirements for insured savings banks at a level less than
25 that required for insurance of accounts. For any savings bank

1 other than those resulting from conversion from an existing
2 financial institution to one operating under this Act, the
3 Commissioner must establish capital requirements no less
4 stringent than those required of banks chartered under the
5 Illinois Banking Act.

6 (b) No savings bank may commence business until it has
7 capital as required by the Federal Deposit Insurance
8 Corporation.

9 (c) Each depository institution converting to a savings
10 bank, before declaration of a dividend on its capital stock,
11 must maintain the minimum capital standards as required by the
12 Federal Deposit Insurance Corporation.

13 (Source: P.A. 90-301, eff. 8-1-97; revised 9-14-16.)

14 (205 ILCS 205/9002.5)

15 Sec. 9002.5. Regulatory fees.

16 (a) For the fiscal year beginning July 1, 2007 and every
17 year thereafter, each savings bank and each service corporation
18 operating under this Act shall pay in quarterly installments
19 equal to one-fourth of a fixed fee of \$520, plus a variable fee
20 based on the total assets of the savings bank or service
21 corporation, as shown in the quarterly report of condition, at
22 the following rates:

23 24.97¢ per \$1,000 of the first \$2,000,000 of total
24 assets;

25 22.70¢ per \$1,000 of the next \$3,000,000 of total

1 assets;

2 20.43¢ per \$1,000 of the next \$5,000,000 of total

3 assets;

4 17.025¢ per \$1,000 of the next \$15,000,000 of total

5 assets;

6 14.755¢ per \$1,000 of the next \$25,000,000 of total

7 assets;

8 12.485¢ per \$1,000 of the next \$50,000,000 of total

9 assets;

10 10.215¢ per \$1,000 of the next \$400,000,000 of total

11 assets;

12 6.81¢ per \$1,000 of the next \$500,000,000 of total

13 assets; and

14 4.54¢ per \$1,000 of all total assets in excess of

15 \$1,000,000,000 of such savings bank or service

16 corporation.

17 As used in this Section, "quarterly report of condition"

18 means the Report of Condition and Income (Call Report), which

19 the Secretary requires.

20 (b) (Blank).

21 (c) The Secretary shall receive and there shall be paid to

22 the Secretary by each savings bank and each service corporation

23 a fee of \$520 for each approved branch office or facility

24 office established under the Illinois Administrative Code. The

25 determination of the fees shall be made annually as of the

26 close of business of the prior calendar year ended December 31.

1 (d) The Secretary shall receive for each fiscal year,
2 commencing with the fiscal year ending June 30, 2014, a
3 contingent fee equal to the lesser of the aggregate of the fees
4 paid by all savings banks under subsections (a), (b), and (c)
5 of this Section for that year, or the amount, if any, whereby
6 the aggregate of the administration expenses, as defined in
7 subsection (c) of Section 9002.1 of this Act, for that fiscal
8 year exceeds the sum of the aggregate of the fees payable by
9 all savings banks for that year under subsections (a), (b), and
10 (c) of this Section, plus any amounts transferred into the
11 Savings Bank Regulatory Fund from the State Pensions Fund for
12 that year, plus all other amounts collected by the Secretary
13 for that year under any other provision of this Act. The
14 aggregate amount of the contingent fee thus arrived at for any
15 fiscal year shall be apportioned amongst, assessed upon, and
16 paid by the savings banks, respectively, in the same proportion
17 that the fee of each under subsections (a), (b), and (c) of
18 this Section, respectively, for that year bears to the
19 aggregate for that year of the fees collected under subsections
20 (a), (b), and (c) of this Section. The aggregate amount of the
21 contingent fee, and the portion thereof to be assessed upon
22 each savings bank, respectively, shall be determined by the
23 Secretary and shall be paid by each, respectively, within 120
24 days of the close of the period for which the contingent fee is
25 computed and is payable, and the Secretary shall give 20 days'
26 ~~days~~ advance notice of the amount of the contingent fee payable

1 by the savings bank and of the date fixed by the Secretary for
2 payment of the fee.

3 (Source: P.A. 98-1081, eff. 1-1-15; 99-39, eff. 1-1-16; revised
4 9-14-16.)

5 Section 365. The Illinois Credit Union Act is amended by
6 changing Sections 12, 34.1, 46, and 57.1 as follows:

7 (205 ILCS 305/12) (from Ch. 17, par. 4413)

8 Sec. 12. Regulatory fees.

9 (1) For the fiscal year beginning July 1, 2007, a credit
10 union regulated by the Department shall pay a regulatory fee to
11 the Department based upon its total assets as shown by its
12 Year-end Call Report at the following rates or at a lesser rate
13 established by the Secretary in a manner proportionately
14 consistent with the following rates and sufficient to fund the
15 actual administrative and operational expenses of the
16 Department's Credit Union Section pursuant to subsection (4) of
17 this Section:

TOTAL ASSETS	REGULATORY FEE
\$25,000 or less	\$100
Over \$25,000 and not over	
\$100,000	\$100 plus \$4 per
	\$1,000 of assets in excess of
	\$25,000
Over \$100,000 and not over	

1 \$200,000 \$400 plus \$3 per
2 \$1,000 of assets in excess of
3 \$100,000
4 Over \$200,000 and not over
5 \$500,000 \$700 plus \$2 per
6 \$1,000 of assets in excess of
7 \$200,000
8 Over \$500,000 and not over
9 \$1,000,000 \$1,300 plus \$1.40
10 per \$1,000 of assets in excess
11 of \$500,000
12 Over \$1,000,000 and not
13 over \$5,000,000 \$2,000 plus \$0.50
14 per \$1,000 of assets in
15 excess of \$1,000,000
16 Over \$5,000,000 and not
17 over \$30,000,000 \$4,540 plus \$0.397
18 per \$1,000 of assets
19 in excess of \$5,000,000
20 Over \$30,000,000 and not over
21 \$100,000,000 \$14,471 plus \$0.34
22 per \$1,000 of assets
23 in excess of \$30,000,000
24 Over \$100,000,000 and not
25 over \$500,000,000 \$38,306 plus \$0.17
26 per \$1,000 of assets

1		in excess of \$100,000,000
2	Over \$500,000,000.....	\$106,406 plus \$0.056
3		per \$1,000 of assets
4		in excess of \$500,000,000

5 (2) The Secretary shall review the regulatory fee schedule
6 in subsection (1) and the projected earnings on those fees on
7 an annual basis and adjust the fee schedule no more than 5%
8 annually if necessary to defray the estimated administrative
9 and operational expenses of the Credit Union Section of the
10 Department as defined in subsection (5). However, the fee
11 schedule shall not be increased if the amount remaining in the
12 Credit Union Fund at the end of any fiscal year is greater than
13 25% of the total actual and operational expenses incurred by
14 the State in administering and enforcing the Illinois Credit
15 Union Act and other laws, rules, and regulations as may apply
16 to the administration and enforcement of the foregoing laws,
17 rules, and regulations as amended from time to time for the
18 preceding fiscal year. The regulatory fee for the next fiscal
19 year shall be calculated by the Secretary based on the credit
20 union's total assets as of December 31 of the preceding
21 calendar year. The Secretary shall provide credit unions with
22 written notice of any adjustment made in the regulatory fee
23 schedule.

24 (3) A credit union shall pay to the Department a regulatory
25 fee in quarterly installments equal to one-fourth of the
26 regulatory fee due in accordance with the regulatory fee

1 schedule in subsection (1), on the basis of assets as of the
2 Year-end Call Report of the preceding calendar year. The total
3 annual regulatory fee shall not be less than \$100 or more than
4 \$141,875, provided that the regulatory fee cap of \$141,875
5 shall be adjusted to incorporate the same percentage increase
6 as the Secretary makes in the regulatory fee schedule from time
7 to time under subsection (2). No regulatory fee shall be
8 collected from a credit union until it has been in operation
9 for one year. The regulatory fee shall be billed to credit
10 unions on a quarterly basis and it shall be payable by credit
11 unions on the due date for the Call Report for the subject
12 quarter.

13 (4) The aggregate of all fees collected by the Department
14 under this Act shall be paid promptly after they are received,
15 accompanied by a detailed statement thereof, into the State
16 Treasury and shall be set apart in the Credit Union Fund, a
17 special fund hereby created in the State treasury. The amount
18 from time to time deposited in the Credit Union Fund and shall
19 be used to offset the ordinary administrative and operational
20 expenses of the Credit Union Section of the Department under
21 this Act. All earnings received from investments of funds in
22 the Credit Union Fund shall be deposited into the Credit Union
23 Fund and may be used for the same purposes as fees deposited
24 into that fund. Moneys deposited in the Credit Union Fund may
25 be transferred to the Professions Indirect Cost Fund, as
26 authorized under Section 2105-300 of the Department of

1 Professional Regulation Law of the Civil Administrative Code of
2 Illinois.

3 Notwithstanding provisions in the State Finance Act, as now
4 or hereafter amended, or any other law to the contrary, the
5 Governor may, during any fiscal year through January 10, 2011,
6 from time to time direct the State Treasurer and Comptroller to
7 transfer a specified sum not exceeding 10% of the revenues to
8 be deposited into the Credit Union Fund during that fiscal year
9 from that Fund to the General Revenue Fund in order to help
10 defray the State's operating costs for the fiscal year.
11 Notwithstanding provisions in the State Finance Act, as now or
12 hereafter amended, or any other law to the contrary, the total
13 sum transferred from the Credit Union Fund to the General
14 Revenue Fund pursuant to this provision shall not exceed during
15 any fiscal year 10% of the revenues to be deposited into the
16 Credit Union Fund during that fiscal year. The State Treasurer
17 and Comptroller shall transfer the amounts designated under
18 this Section as soon as may be practicable after receiving the
19 direction to transfer from the Governor.

20 (5) The administrative and operational expenses for any
21 fiscal year shall mean the ordinary and contingent expenses for
22 that year incidental to making the examinations provided for
23 by, and for administering, this Act, including all salaries and
24 other compensation paid for personal services rendered for the
25 State by officers or employees of the State to enforce this
26 Act; all expenditures for telephone and telegraph charges,

1 postage and postal charges, office supplies and services,
2 furniture and equipment, office space and maintenance thereof,
3 travel expenses and other necessary expenses; all to the extent
4 that such expenditures are directly incidental to such
5 examination or administration.

6 (6) When the balance in the Credit Union Fund at the end of
7 a fiscal year exceeds 25% of the total administrative and
8 operational expenses incurred by the State in administering and
9 enforcing the Illinois Credit Union Act and other laws, rules,
10 and regulations as may apply to the administration and
11 enforcement of the foregoing laws, rules, and regulations as
12 amended from time to time for that fiscal year, such excess
13 shall be credited to credit unions and applied against their
14 regulatory fees for the subsequent fiscal year. The amount
15 credited to each credit union shall be in the same proportion
16 as the regulatory fee paid by such credit union for the fiscal
17 year in which the excess is produced bears to the aggregate
18 amount of all fees collected by the Department under this Act
19 for the same fiscal year.

20 (7) (Blank).

21 (8) Nothing in this Act shall prohibit the General Assembly
22 from appropriating funds to the Department from the General
23 Revenue Fund for the purpose of administering this Act.

24 (9) For purposes of this Section, "fiscal year" means a
25 period beginning on July 1 of any calendar year and ending on
26 June 30 of the next calendar year.

1 (Source: P.A. 97-133, eff. 1-1-12; revised 9-14-16.)

2 (205 ILCS 305/34.1)

3 Sec. 34.1. Compliance review.

4 (a) As used in this Section:

5 "Affiliate" means an organization established to serve the
6 needs of credit unions, the business of which relates to the
7 daily operations of credit unions.

8 "Compliance review committee" means:

9 (1) one or more persons appointed by the board of
10 directors or supervisory committee of a credit union for
11 the purposes set forth in subsection (b); or

12 (2) any other person to the extent the person acts in
13 an investigatory capacity at the direction of a compliance
14 review committee.

15 "Compliance review documents" means documents prepared in
16 connection with a review or evaluation conducted by or for a
17 compliance review committee.

18 "Person" means an individual, a group of individuals, a
19 board committee, a partnership, a firm, an association, a
20 corporation, or any other entity.

21 (b) This Section applies to compliance review committees
22 whose functions are to evaluate and seek to improve any of the
23 following:

24 (1) loan policies or underwriting standards;

25 (2) asset quality;

1 (3) financial reporting to federal or State
2 governmental or regulatory agencies; or

3 (4) compliance with federal or State statutory or
4 regulatory requirements.

5 (c) Except as provided in subsection (d), compliance review
6 documents and the deliberations of the compliance review
7 committee are privileged and confidential and are
8 nondiscoverable and nonadmissible.

9 (1) Compliance review documents are privileged and
10 confidential and are not subject to discovery or admissible
11 in evidence in any civil action.

12 (2) Individuals serving on compliance review
13 committees or acting under the direction of a compliance
14 review committee shall not be required to testify in any
15 civil action about the contents of any compliance review
16 document or conclusions of any compliance review committee
17 or about the actions taken by a compliance review
18 committee.

19 (3) An affiliate of a credit union, a credit union
20 regulatory agency, and the insurer of credit union share
21 accounts shall have access to compliance review documents,
22 provided that (i) the documents shall remain confidential
23 and are not subject to discovery from such entity and (ii)
24 delivery of compliance review documents to an affiliate or
25 pursuant to the requirements of a credit union regulatory
26 agency or an insurer of credit union share accounts shall

1 not constitute a waiver of the privilege granted in this
2 Section.

3 (d) This Section does not apply to: (1) compliance review
4 committees on which individuals serving on or at the direction
5 of the compliance review committee have management
6 responsibility for the operations, records, employees, or
7 activities being examined or evaluated by the compliance review
8 committee and (2) any civil or administrative action initiated
9 by a credit union regulatory agency or an insurer of credit
10 union share accounts.

11 (e) This Section shall not be construed to limit the
12 discovery or admissibility in any civil action of any documents
13 other than compliance review documents or to require the
14 appointment of a compliance review committee.

15 (Source: P.A. 90-665, eff. 7-30-98; revised 9-14-16.)

16 (205 ILCS 305/46) (from Ch. 17, par. 4447)

17 Sec. 46. Loans and interest rate.

18 (1) A credit union may make loans to its members for such
19 purpose and upon such security and terms, including rates of
20 interest, as the credit committee, credit manager, or loan
21 officer approves. Notwithstanding the provisions of any other
22 law in connection with extensions of credit, a credit union may
23 elect to contract for and receive interest and fees and other
24 charges for extensions of credit subject only to the provisions
25 of this Act and rules promulgated under this Act, except that

1 extensions of credit secured by residential real estate shall
2 be subject to the laws applicable thereto. The rates of
3 interest to be charged on loans to members shall be set by the
4 board of directors of each individual credit union in
5 accordance with Section 30 of this Act and such rates may be
6 less than, but may not exceed, the maximum rate set forth in
7 this Section. A borrower may repay his loan prior to maturity,
8 in whole or in part, without penalty. A prepayment penalty does
9 not include a waived, bona fide third-party charge that the
10 credit union imposes if the borrower prepays all of the
11 transaction's principal sooner than 36 months after
12 consummation of a closed-end credit transaction, a waived, bona
13 fide third-party charge that the credit union imposes if the
14 borrower terminates an open-end credit plan sooner than 36
15 months after account opening, or a yield maintenance fee
16 imposed on a business loan transaction. The credit contract may
17 provide for the payment by the member and receipt by the credit
18 union of all costs and disbursements, including reasonable
19 attorney's fees and collection agency charges, incurred by the
20 credit union to collect or enforce the debt in the event of a
21 delinquency by the member, or in the event of a breach of any
22 obligation of the member under the credit contract. A
23 contingency or hourly arrangement established under an
24 agreement entered into by a credit union with an attorney or
25 collection agency to collect a loan of a member in default
26 shall be presumed prima facie reasonable.

1 (2) Credit unions may make loans based upon the security of
2 any interest or equity in real estate, subject to rules and
3 regulations promulgated by the Secretary. In any contract or
4 loan which is secured by a mortgage, deed of trust, or
5 conveyance in the nature of a mortgage, on residential real
6 estate, the interest which is computed, calculated, charged, or
7 collected pursuant to such contract or loan, or pursuant to any
8 regulation or rule promulgated pursuant to this Act, may not be
9 computed, calculated, charged or collected for any period of
10 time occurring after the date on which the total indebtedness,
11 with the exception of late payment penalties, is paid in full.

12 For purposes of this subsection (2) of this Section 46, a
13 prepayment shall mean the payment of the total indebtedness,
14 with the exception of late payment penalties if incurred or
15 charged, on any date before the date specified in the contract
16 or loan agreement on which the total indebtedness shall be paid
17 in full, or before the date on which all payments, if timely
18 made, shall have been made. In the event of a prepayment of the
19 indebtedness which is made on a date after the date on which
20 interest on the indebtedness was last computed, calculated,
21 charged, or collected but before the next date on which
22 interest on the indebtedness was to be calculated, computed,
23 charged, or collected, the lender may calculate, charge and
24 collect interest on the indebtedness for the period which
25 elapsed between the date on which the prepayment is made and
26 the date on which interest on the indebtedness was last

1 computed, calculated, charged or collected at a rate equal to
2 1/360 of the annual rate for each day which so elapsed, which
3 rate shall be applied to the indebtedness outstanding as of the
4 date of prepayment. The lender shall refund to the borrower any
5 interest charged or collected which exceeds that which the
6 lender may charge or collect pursuant to the preceding
7 sentence. ~~Public Act 84-941 January 1, 1986 (Public Act 84-941)~~

8 (3) (Blank).

9 (4) Notwithstanding any other provisions of this Act, a
10 credit union authorized under this Act to make loans secured by
11 an interest or equity in real property may engage in making
12 revolving credit loans secured by mortgages or deeds of trust
13 on such real property or by security assignments of beneficial
14 interests in land trusts.

15 For purposes of this Section, "revolving credit" has the
16 meaning defined in Section 4.1 of the Interest Act.

17 Any mortgage or deed of trust given to secure a revolving
18 credit loan may, and when so expressed therein shall, secure
19 not only the existing indebtedness but also such future
20 advances, whether such advances are obligatory or to be made at
21 the option of the lender, or otherwise, as are made within
22 twenty years from the date thereof, to the same extent as if
23 such future advances were made on the date of the execution of
24 such mortgage or deed of trust, although there may be no
25 advance made at the time of execution of such mortgage or other
26 instrument, and although there may be no indebtedness

1 outstanding at the time any advance is made. The lien of such
2 mortgage or deed of trust, as to third persons without actual
3 notice thereof, shall be valid as to all such indebtedness and
4 future advances from the time said mortgage or deed of trust is
5 filed for record in the office of the recorder of deeds or the
6 registrar of titles of the county where the real property
7 described therein is located. The total amount of indebtedness
8 that may be so secured may increase or decrease from time to
9 time, but the total unpaid balance so secured at any one time
10 shall not exceed a maximum principal amount which must be
11 specified in such mortgage or deed of trust, plus interest
12 thereon, and any disbursements made for the payment of taxes,
13 special assessments, or insurance on said real property, with
14 interest on such disbursements.

15 Any such mortgage or deed of trust shall be valid and have
16 priority over all subsequent liens and encumbrances, including
17 statutory liens, except taxes and assessments levied on said
18 real property.

19 (4-5) For purposes of this Section, "real estate" and "real
20 property" include a manufactured home as defined in subdivision
21 (53) of Section 9-102 of the Uniform Commercial Code which is
22 real property as defined in Section 5-35 of the Conveyance and
23 Encumbrance of Manufactured Homes as Real Property and
24 Severance Act.

25 (5) Compliance with federal or Illinois preemptive laws or
26 regulations governing loans made by a credit union chartered

1 under this Act shall constitute compliance with this Act.

2 (6) Credit unions may make residential real estate mortgage
3 loans on terms and conditions established by the United States
4 Department of Agriculture through its Rural Development
5 Housing and Community Facilities Program. The portion of any
6 loan in excess of the appraised value of the real estate shall
7 be allocable only to the guarantee fee required under the
8 program.

9 (7) For a renewal, refinancing, or restructuring of an
10 existing loan at the credit union that is secured by an
11 interest or equity in real estate, a new appraisal of the
12 collateral shall not be required when (i) no new moneys are
13 advanced other than funds necessary to cover reasonable closing
14 costs, or (ii) there has been no obvious or material change in
15 market conditions or physical aspects of the real estate that
16 threatens the adequacy of the credit union's real estate
17 collateral protection after the transaction, even with the
18 advancement of new moneys. The Department reserves the right to
19 require an appraisal under this subsection (7) whenever the
20 Department believes it is necessary to address safety and
21 soundness concerns.

22 (Source: P.A. 98-749, eff. 7-16-14; 98-784, eff. 7-24-14;
23 99-78, eff. 7-20-15; 99-149, eff. 1-1-16; 99-331, eff. 1-1-16;
24 99-614, eff. 7-22-16; 99-642, eff. 7-28-16; revised 10-20-16.)

25 (205 ILCS 305/57.1)

1 Sec. 57.1. Services to other credit unions. ~~(a)~~ A credit
2 union may act as a representative of and enter into an
3 agreement with credit unions or other organizations for the
4 purposes of:

5 (1) sharing, utilizing, renting, leasing, purchasing,
6 selling, and joint ownership of fixed assets or engaging in
7 activities and services that relate to the daily operations
8 of credit unions; and

9 (2) providing correspondent services to other credit
10 unions that the service provider credit union is authorized
11 to perform for its own members or as part of its
12 operations, including, but not limited to, loan
13 processing, loan servicing, member check cashing services,
14 disbursing share withdrawals and loan proceeds, cashing
15 and selling money orders, ACH and wire transfer services,
16 implementation and administrative support services related
17 to the use of debit cards, payroll debit cards, and other
18 prepaid debit cards and credit cards, coin and currency
19 services, performing internal audits, and automated teller
20 machine deposit services.

21 (Source: P.A. 98-784, eff. 7-24-14; 99-78, eff. 7-20-15;
22 99-149, eff. 1-1-16; revised 9-14-16.)

23 Section 370. The Transmitters of Money Act is amended by
24 changing Section 90 as follows:

1 (205 ILCS 657/90)

2 Sec. 90. Enforcement.

3 (a) If it appears to the Director that a person has
4 committed or is about to commit a violation of this Act, a rule
5 promulgated under this Act, or an order of the Director, the
6 Director may apply to the circuit court for an order enjoining
7 the person from violating or continuing to violate this Act,
8 the rule, or order and for injunctive or other relief that the
9 nature of the case may require and may, in addition, request
10 the court to assess a civil penalty up to \$1,000 along with
11 costs and attorney fees.

12 (b) If the Director finds, after an investigation that he
13 considers appropriate, that a licensee or other person is
14 engaged in practices contrary to this Act or to the rules
15 promulgated under this Act, the Director may issue an order
16 directing the licensee or person to cease and desist the
17 violation. The Director may, in addition to or without the
18 issuance of a cease and desist order, assess an administrative
19 penalty up to \$1,000 against a licensee for each violation of
20 this Act or the rules promulgated under this Act. The issuance
21 of an order under this Section shall not be a prerequisite to
22 the taking of any action by the Director under this or any
23 other Section of this Act. The Director shall serve notice of
24 his action, including a statement of the reasons for his
25 actions, either personally or by certified mail, return receipt
26 requested. Service by mail shall be deemed completed if the

1 notice is deposited in the post office, postage paid, addressed
2 to the last known address for a license.

3 (c) In the case of the issuance of a cease and desist order
4 or assessment order, a hearing may be requested in writing
5 within 30 days after the date of service. The hearing shall be
6 held at the time and place designated by the Director in either
7 the City of Springfield or the City of Chicago. The Director
8 and any administrative law judge designated by him shall have
9 the power to administer oaths and affirmations, subpoena
10 witnesses and compel their attendance, take evidence,
11 authorize the taking of depositions, and require the production
12 of books, papers, correspondence, and other records or
13 information that he considers relevant or material to the
14 inquiry.

15 (d) After the Director's final determination under a
16 hearing under this Section, a party to the proceedings whose
17 interests are affected by the Director's final determination
18 shall be entitled to judicial review of that final
19 determination under the Administrative Review Law.

20 (e) The costs for administrative hearings shall be set by
21 rule.

22 (f) Except as otherwise provided in this Act, a violation
23 of this Act shall subject ~~to~~ the party violating it to a fine
24 of \$1,000 for each offense.

25 (g) Each transaction in violation of this Act or the rules
26 promulgated under this Act and each day that a violation

1 continues shall be a separate offense.

2 (h) A person who engages in conduct requiring a license
3 under this Act and fails to obtain a license from the Director
4 or knowingly makes a false statement, misrepresentation, or
5 false certification in an application, financial statement,
6 account record, report, or other document filed or required to
7 be maintained or filed under this Act or who knowingly makes a
8 false entry or omits a material entry in a document is guilty
9 of a Class 3 felony.

10 (i) The Director is authorized to compromise, settle, and
11 collect civil penalties and administrative penalties, as set by
12 rule, with any person for violations of this Act or of any rule
13 or order issued or promulgated under this Act. Any person who,
14 without the required license, engages in conduct requiring a
15 license under this Act shall be liable to the Department in an
16 amount equal to the greater of (i) \$5,000 or (ii) an amount of
17 money accepted for transmission plus an amount equal to 3 times
18 the amount accepted for transmission. The Department shall
19 cause any funds so recovered to be deposited in the TOMA
20 Consumer Protection Fund.

21 (j) The Director may enter into consent orders at any time
22 with a person to resolve a matter arising under this Act. A
23 consent order must be signed by the person to whom it is issued
24 and must indicate agreement to the terms contained in it. A
25 consent order need not constitute an admission by a person that
26 this Act or a rule or order issued or promulgated under this

1 Act has been violated, nor need it constitute a finding by the
2 Director that the person has violated this Act or a rule or
3 order promulgated under this Act.

4 (k) Notwithstanding the issuance of a consent order, the
5 Director may seek civil or criminal penalties or compromise
6 civil penalties concerning matter encompassed by the consent
7 order unless the consent order by its terms expressly precludes
8 the Director from doing so.

9 (l) Appeals from all final orders and judgments entered by
10 the circuit court under this Section in review of a decision of
11 the Director may be taken as in other civil actions by any
12 party to the proceeding.

13 (Source: P.A. 93-535, eff. 1-1-04; revised 9-14-16.)

14 Section 375. The Debt Management Service Act is amended by
15 changing Section 2 as follows:

16 (205 ILCS 665/2) (from Ch. 17, par. 5302)

17 Sec. 2. Definitions. As used in this Act:

18 "Credit counselor" means an individual, corporation, or
19 other entity that is not a debt management service that
20 provides (1) guidance, educational programs, or advice for the
21 purpose of addressing budgeting, personal finance, financial
22 literacy, saving and spending practices, or the sound use of
23 consumer credit; or (2) assistance or offers to assist
24 individuals and families with financial problems by providing

1 counseling; or (3) a combination of the activities described in
2 items (1) and (2) of this definition.

3 "Debt management service" means the planning and
4 management of the financial affairs of a debtor for a fee and
5 the receiving of money from the debtor for the purpose of
6 distributing it to the debtor's creditors in payment or partial
7 payment of the debtor's obligations or soliciting financial
8 contributions from creditors. The business of debt management
9 is conducted in this State if the debt management business, its
10 employees, or its agents are located in this State or if the
11 debt management business solicits or contracts with debtors
12 located in this State. "Debt management service" does not
13 include "debt settlement service" as defined in the Debt
14 Settlement Consumer Protection Act.

15 This term shall not include the following when engaged in
16 the regular course of their respective businesses and
17 professions:

18 (a) Attorneys at law licensed, or otherwise authorized
19 to practice, in Illinois who are engaged in the practice of
20 law.

21 (b) Banks, operating subsidiaries of banks, affiliates
22 of banks, fiduciaries, credit unions, savings and loan
23 associations, and savings banks as duly authorized and
24 admitted to transact business in the State of Illinois and
25 performing credit and financial adjusting service in the
26 regular course of their principal business.

1 (c) Title insurers, title agents, independent
2 escrowees, and abstract companies, while doing an escrow
3 business.

4 (d) Judicial officers or others acting pursuant to
5 court order.

6 (e) Employers for their employees, except that no
7 employer shall retain the services of an outside debt
8 management service to perform this service unless the debt
9 management service is licensed pursuant to this Act.☞

10 (f) Bill payment services, as defined in the
11 Transmitters of Money Act.

12 (g) Credit counselors, only when providing services
13 described in the definition of credit counselor in this
14 Section.

15 "Debtor" means the person or persons for whom the debt
16 management service is performed.

17 "Person" means an individual, firm, partnership,
18 association, limited liability company, corporation, or
19 not-for-profit corporation.

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

21 "Secretary" means the Secretary of Financial and
22 Professional Regulation.

23 (Source: P.A. 95-331, eff. 8-21-07; 96-1420, eff. 8-3-10;
24 revised 9-14-16.)

25 Section 380. The Illinois Clinical Laboratory and Blood

1 Bank Act is amended by changing Section 7-109 as follows:

2 (210 ILCS 25/7-109) (from Ch. 111 1/2, par. 627-109)

3 Sec. 7-109. Designated donors.

4 (a) Each blood bank may allow a recipient of blood to
5 designate a donor of his choice, for the purpose of receiving
6 red cells, under the following conditions:

7 (1) the recipient, or someone on his behalf, has
8 solicited the donors;

9 (2) the designated donor consents to the donation;

10 (3) the designated donor's blood may be obtained in
11 sufficient time to meet the health care needs of the
12 recipient;

13 (4) the designated donor is qualified to donate blood
14 under the criteria for donor selection promulgated by the
15 federal Food and Drug Administration; and

16 (5) the blood of the donor is acceptable for the
17 patient's medical needs.

18 (b) Blood donated for designated use shall be reserved for
19 the designated recipient; however, if it has not been used
20 within 7 days from the day of donation, it may be used for any
21 other medically appropriate purpose.

22 (c) This Section shall not limit other procedures blood
23 banks may establish to enable directed donations.

24 (Source: P.A. 97-264, eff. 8-5-11; revised 9-8-16.)

1 Section 385. The Nursing Home Care Act is amended by
2 changing Sections 3-303.1 and 3-306 as follows:

3 (210 ILCS 45/3-303.1) (from Ch. 111 1/2, par. 4153-303.1)

4 Sec. 3-303.1. Upon application by a facility, the Director
5 may grant or renew the waiver of the facility's compliance with
6 a rule or standard for a period not to exceed the duration of
7 the current license or, in the case of an application for
8 license renewal, the duration of the renewal period. The waiver
9 may be conditioned upon the facility taking action prescribed
10 by the Director as a measure equivalent to compliance. In
11 determining whether to grant or renew a waiver, the Director
12 shall consider the duration and basis for any current waiver
13 with respect to the same rule or standard and the validity and
14 effect upon patient health and safety of extending it on the
15 same basis, the effect upon the health and safety of residents,
16 the quality of resident care, the facility's history of
17 compliance with the rules and standards of this Act, and the
18 facility's attempts to comply with the particular rule or
19 standard in question. The Department may provide, by rule, for
20 the automatic renewal of waivers concerning physical plant
21 requirements upon the renewal of a license. The Department
22 shall renew waivers relating to physical plant standards issued
23 pursuant to this Section at the time of the indicated reviews,
24 unless it can show why such waivers should not be extended for
25 the following reasons:

1 (a) the condition of the physical plant has deteriorated or
2 its use substantially changed so that the basis upon which the
3 waiver was issued is materially different; or

4 (b) the facility is renovated or substantially remodeled in
5 such a way as to permit compliance with the applicable rules
6 and standards without substantial increase in cost.

7 A copy of each waiver application and each waiver granted
8 or renewed shall be on file with the Department and available
9 for public inspection. The Director shall annually review such
10 file and recommend to the Long-Term ~~Long Term~~ Care Facility
11 Advisory Board any modification in rules or standards suggested
12 by the number and nature of waivers requested and granted and
13 the difficulties faced in compliance by similarly situated
14 facilities.

15 (Source: P.A. 85-1216; revised 10-26-16.)

16 (210 ILCS 45/3-306) (from Ch. 111 1/2, par. 4153-306)

17 Sec. 3-306. In determining whether a penalty is to be
18 imposed and in determining the amount of the penalty to be
19 imposed, if any, for a violation, the Director shall consider
20 the following factors:

21 (1) the ~~The~~ gravity of the violation, including the
22 probability that death or serious physical or mental harm
23 to a resident will result or has resulted; the severity of
24 the actual or potential harm, and the extent to which the
25 provisions of the applicable statutes or regulations were

1 violated;

2 (2) the ~~The~~ reasonable diligence exercised by the
3 licensee and efforts to correct violations;~~;~~

4 (3) any ~~Any~~ previous violations committed by the
5 licensee; and

6 (4) the ~~The~~ financial benefit to the facility of
7 committing or continuing the violation.

8 (Source: P.A. 96-1372, eff. 7-29-10; revised 9-8-16.)

9 Section 390. The MC/DD Act is amended by changing Section
10 3-318 as follows:

11 (210 ILCS 46/3-318)

12 Sec. 3-318. Business offenses.

13 (a) No person shall:

14 (1) intentionally ~~Intentionally~~ fail to correct or
15 interfere with the correction of a Type "AA", Type "A", or
16 Type "B" violation within the time specified on the notice
17 or approved plan of correction under this Act as the
18 maximum period given for correction, unless an extension is
19 granted and the corrections are made before expiration of
20 extension;

21 (2) intentionally ~~Intentionally~~ prevent, interfere
22 with, or attempt to impede in any way any duly authorized
23 investigation and enforcement of this Act;

24 (3) intentionally ~~Intentionally~~ prevent or attempt to

1 prevent any examination of any relevant books or records
2 pertinent to investigations and enforcement of this Act;

3 (4) intentionally ~~Intentionally~~ prevent or interfere
4 with the preservation of evidence pertaining to any
5 violation of this Act or the rules promulgated under this
6 Act;

7 (5) intentionally ~~Intentionally~~ retaliate or
8 discriminate against any resident or employee for
9 contacting or providing information to any state official,
10 or for initiating, participating in, or testifying in an
11 action for any remedy authorized under this Act;

12 (6) willfully ~~Willfully~~ file any false, incomplete or
13 intentionally misleading information required to be filed
14 under this Act, or willfully fail or refuse to file any
15 required information;

16 (7) open ~~Open~~ or operate a facility without a license;
17 ~~or~~

18 (8) intentionally ~~Intentionally~~ retaliate or
19 discriminate against any resident for consenting to
20 authorized electronic monitoring under the Authorized
21 Electronic Monitoring in Long-Term Care Facilities Act;
22 or-

23 (9) prevent ~~Prevent~~ the installation or use of an
24 electronic monitoring device by a resident who has provided
25 the facility with notice and consent as required in Section
26 20 of the Authorized Electronic Monitoring in Long-Term

1 Care Facilities Act.

2 (b) A violation of this Section is a business offense,
3 punishable by a fine not to exceed \$10,000, except as otherwise
4 provided in subsection (2) of Section 3-103 as to submission of
5 false or misleading information in a license application.

6 (c) The State's Attorney of the county in which the
7 facility is located, or the Attorney General, shall be notified
8 by the Director of any violations of this Section.

9 (Source: P.A. 99-180, eff. 7-29-15; 99-784, eff. 1-1-17;
10 revised 10-26-16.)

11 Section 395. The Specialized Mental Health Rehabilitation
12 Act of 2013 is amended by changing Sections 1-102 and 4-201 as
13 follows:

14 (210 ILCS 49/1-102)

15 Sec. 1-102. Definitions. For the purposes of this Act,
16 unless the context otherwise requires:

17 "Abuse" means any physical or mental injury or sexual
18 assault inflicted on a consumer other than by accidental means
19 in a facility.

20 "Accreditation" means any of the following:

21 (1) the Joint Commission;

22 (2) the Commission on Accreditation of Rehabilitation
23 Facilities;

24 (3) the Healthcare Facilities Accreditation Program;

1 or

2 (4) any other national standards of care as approved by
3 the Department.

4 "Applicant" means any person making application for a
5 license or a provisional license under this Act.

6 "Consumer" means a person, 18 years of age or older,
7 admitted to a mental health rehabilitation facility for
8 evaluation, observation, diagnosis, treatment, stabilization,
9 recovery, and rehabilitation.

10 "Consumer" does not mean any of the following:

11 (i) an individual requiring a locked setting;

12 (ii) an individual requiring psychiatric
13 hospitalization because of an acute psychiatric crisis;

14 (iii) an individual under 18 years of age;

15 (iv) an individual who is actively suicidal or violent
16 toward others;

17 (v) an individual who has been found unfit to stand
18 trial;

19 (vi) an individual who has been found not guilty by
20 reason of insanity based on committing a violent act, such
21 as sexual assault, assault with a deadly weapon, arson, or
22 murder;

23 (vii) an individual subject to temporary detention and
24 examination under Section 3-607 of the Mental Health and
25 Developmental Disabilities Code;

26 (viii) an individual deemed clinically appropriate for

1 inpatient admission in a State psychiatric hospital; and
2 (ix) an individual transferred by the Department of
3 Corrections pursuant to Section 3-8-5 of the Unified Code
4 of Corrections.

5 "Consumer record" means a record that organizes all
6 information on the care, treatment, and rehabilitation
7 services rendered to a consumer in a specialized mental health
8 rehabilitation facility.

9 "Controlled drugs" means those drugs covered under the
10 federal Comprehensive Drug Abuse Prevention Control Act of
11 1970, as amended, or the Illinois Controlled Substances Act.

12 "Department" means the Department of Public Health.

13 "Discharge" means the full release of any consumer from a
14 facility.

15 "Drug administration" means the act in which a single dose
16 of a prescribed drug or biological is given to a consumer. The
17 complete act of administration entails removing an individual
18 dose from a container, verifying the dose with the prescriber's
19 orders, giving the individual dose to the consumer, and
20 promptly recording the time and dose given.

21 "Drug dispensing" means the act entailing the following of
22 a prescription order for a drug or biological and proper
23 selection, measuring, packaging, labeling, and issuance of the
24 drug or biological to a consumer.

25 "Emergency" means a situation, physical condition, or one
26 or more practices, methods, or operations which present

1 imminent danger of death or serious physical or mental harm to
2 consumers of a facility.

3 "Facility" means a specialized mental health
4 rehabilitation facility that provides at least one of the
5 following services: (1) triage center; (2) crisis
6 stabilization; (3) recovery and rehabilitation supports; or
7 (4) transitional living units for 3 or more persons. The
8 facility shall provide a 24-hour program that provides
9 intensive support and recovery services designed to assist
10 persons, 18 years or older, with mental disorders to develop
11 the skills to become self-sufficient and capable of increasing
12 levels of independent functioning. It includes facilities that
13 meet the following criteria:

14 (1) 100% of the consumer population of the facility has
15 a diagnosis of serious mental illness;

16 (2) no more than 15% of the consumer population of the
17 facility is 65 years of age or older;

18 (3) none of the consumers are non-ambulatory;

19 (4) none of the consumers have a primary diagnosis of
20 moderate, severe, or profound intellectual disability; and

21 (5) the facility must have been licensed under the
22 Specialized Mental Health Rehabilitation Act or the
23 Nursing Home Care Act immediately preceding July 22, 2013
24 (the effective date of this Act) and qualifies as an a
25 institute for mental disease under the federal definition
26 of the term.

1 "Facility" does not include the following:

2 (1) a home, institution, or place operated by the
3 federal government or agency thereof, or by the State of
4 Illinois;

5 (2) a hospital, sanitarium, or other institution whose
6 principal activity or business is the diagnosis, care, and
7 treatment of human illness through the maintenance and
8 operation as organized facilities therefor which is
9 required to be licensed under the Hospital Licensing Act;

10 (3) a facility for child care as defined in the Child
11 Care Act of 1969;

12 (4) a community living facility as defined in the
13 Community Living Facilities Licensing Act;

14 (5) a nursing home or sanatorium operated solely by and
15 for persons who rely exclusively upon treatment by
16 spiritual means through prayer, in accordance with the
17 creed or tenets of any well-recognized church or religious
18 denomination; however, such nursing home or sanatorium
19 shall comply with all local laws and rules relating to
20 sanitation and safety;

21 (6) a facility licensed by the Department of Human
22 Services as a community-integrated living arrangement as
23 defined in the Community-Integrated Living Arrangements
24 Licensure and Certification Act;

25 (7) a supportive residence licensed under the
26 Supportive Residences Licensing Act;

1 (8) a supportive living facility in good standing with
2 the program established under Section 5-5.01a of the
3 Illinois Public Aid Code, except only for purposes of the
4 employment of persons in accordance with Section 3-206.01
5 of the Nursing Home Care Act;

6 (9) an assisted living or shared housing establishment
7 licensed under the Assisted Living and Shared Housing Act,
8 except only for purposes of the employment of persons in
9 accordance with Section 3-206.01 of the Nursing Home Care
10 Act;

11 (10) an Alzheimer's disease management center
12 alternative health care model licensed under the
13 Alternative Health Care Delivery Act;

14 (11) a home, institution, or other place operated by or
15 under the authority of the Illinois Department of Veterans'
16 Affairs;

17 (12) a facility licensed under the ID/DD Community Care
18 Act;

19 (13) a facility licensed under the Nursing Home Care
20 Act after July 22, 2013 (the effective date of this Act);

21 or

22 (14) a facility licensed under the MC/DD Act.

23 "Executive director" means a person who is charged with the
24 general administration and supervision of a facility licensed
25 under this Act.

26 "Guardian" means a person appointed as a guardian of the

1 person or guardian of the estate, or both, of a consumer under
2 the Probate Act of 1975.

3 "Identified offender" means a person who meets any of the
4 following criteria:

5 (1) Has been convicted of, found guilty of, adjudicated
6 delinquent for, found not guilty by reason of insanity for,
7 or found unfit to stand trial for, any felony offense
8 listed in Section 25 of the Health Care Worker Background
9 Check Act, except for the following:

10 (i) a felony offense described in Section 10-5 of
11 the Nurse Practice Act;

12 (ii) a felony offense described in Section 4, 5, 6,
13 8, or 17.02 of the Illinois Credit Card and Debit Card
14 Act;

15 (iii) a felony offense described in Section 5, 5.1,
16 5.2, 7, or 9 of the Cannabis Control Act;

17 (iv) a felony offense described in Section 401,
18 401.1, 404, 405, 405.1, 407, or 407.1 of the Illinois
19 Controlled Substances Act; and

20 (v) a felony offense described in the
21 Methamphetamine Control and Community Protection Act.

22 (2) Has been convicted of, adjudicated delinquent for,
23 found not guilty by reason of insanity for, or found unfit
24 to stand trial for, any sex offense as defined in
25 subsection (c) of Section 10 of the Sex Offender Management
26 Board Act.

1 "Transitional living units" are residential units within a
2 facility that have the purpose of assisting the consumer in
3 developing and reinforcing the necessary skills to live
4 independently outside of the facility. The duration of stay in
5 such a setting shall not exceed 120 days for each consumer.
6 Nothing in this definition shall be construed to be a
7 prerequisite for transitioning out of a facility.

8 "Licensee" means the person, persons, firm, partnership,
9 association, organization, company, corporation, or business
10 trust to which a license has been issued.

11 "Misappropriation of a consumer's property" means the
12 deliberate misplacement, exploitation, or wrongful temporary
13 or permanent use of a consumer's belongings or money without
14 the consent of a consumer or his or her guardian.

15 "Neglect" means a facility's failure to provide, or willful
16 withholding of, adequate medical care, mental health
17 treatment, psychiatric rehabilitation, personal care, or
18 assistance that is necessary to avoid physical harm and mental
19 anguish of a consumer.

20 "Personal care" means assistance with meals, dressing,
21 movement, bathing, or other personal needs, maintenance, or
22 general supervision and oversight of the physical and mental
23 well-being of an individual who is incapable of maintaining a
24 private, independent residence or who is incapable of managing
25 his or her person, whether or not a guardian has been appointed
26 for such individual. "Personal care" shall not be construed to

1 confine or otherwise constrain a facility's pursuit to develop
2 the skills and abilities of a consumer to become
3 self-sufficient and capable of increasing levels of
4 independent functioning.

5 "Recovery and rehabilitation supports" means a program
6 that facilitates a consumer's longer-term symptom management
7 and stabilization while preparing the consumer for
8 transitional living units by improving living skills and
9 community socialization. The duration of stay in such a setting
10 shall be established by the Department by rule.

11 "Restraint" means:

12 (i) a physical restraint that is any manual method or
13 physical or mechanical device, material, or equipment
14 attached or adjacent to a consumer's body that the consumer
15 cannot remove easily and restricts freedom of movement or
16 normal access to one's body; devices used for positioning,
17 including, but not limited to, bed rails, gait belts, and
18 cushions, shall not be considered to be restraints for
19 purposes of this Section; or

20 (ii) a chemical restraint that is any drug used for
21 discipline or convenience and not required to treat medical
22 symptoms; the Department shall, by rule, designate certain
23 devices as restraints, including at least all those devices
24 that have been determined to be restraints by the United
25 States Department of Health and Human Services in
26 interpretive guidelines issued for the purposes of

1 administering Titles XVIII and XIX of the federal Social
2 Security Act. For the purposes of this Act, restraint shall
3 be administered only after utilizing a coercive free
4 environment and culture.

5 "Self-administration of medication" means consumers shall
6 be responsible for the control, management, and use of their
7 own medication.

8 "Crisis stabilization" means a secure and separate unit
9 that provides short-term behavioral, emotional, or psychiatric
10 crisis stabilization as an alternative to hospitalization or
11 re-hospitalization for consumers from residential or community
12 placement. The duration of stay in such a setting shall not
13 exceed 21 days for each consumer.

14 "Therapeutic separation" means the removal of a consumer
15 from the milieu to a room or area which is designed to aid in
16 the emotional or psychiatric stabilization of that consumer.

17 "Triage center" means a non-residential 23-hour center
18 that serves as an alternative to emergency room care,
19 hospitalization, or re-hospitalization for consumers in need
20 of short-term crisis stabilization. Consumers may access a
21 triage center from a number of referral sources, including
22 family, emergency rooms, hospitals, community behavioral
23 health providers, federally qualified health providers, or
24 schools, including colleges or universities. A triage center
25 may be located in a building separate from the licensed
26 location of a facility, but shall not be more than 1,000 feet

1 from the licensed location of the facility and must meet all of
2 the facility standards applicable to the licensed location. If
3 the triage center does operate in a separate building, safety
4 personnel shall be provided, on site, 24 hours per day and the
5 triage center shall meet all other staffing requirements
6 without counting any staff employed in the main facility
7 building.

8 (Source: P.A. 98-104, eff. 7-22-13; 98-651, eff. 6-16-14;
9 99-180, eff. 7-29-15; revised 9-8-16.)

10 (210 ILCS 49/4-201)

11 Sec. 4-201. Accreditation and licensure. At the end of the
12 provisional licensure period established in Part 1 of this
13 Article 4, the Department shall license a facility as a
14 specialized mental health rehabilitation facility under this
15 Act that successfully completes and obtains valid national
16 accreditation in behavioral health from a recognized national
17 accreditation entity and complies with licensure standards as
18 established by the Department of Public Health in
19 administrative rule. Rules governing licensure standards shall
20 include, but not be limited to, appropriate fines and sanctions
21 associated with violations of laws or regulations. The
22 following shall be considered to be valid national
23 accreditation in behavioral health from a ~~an~~ national
24 accreditation entity:

25 (1) the Joint Commission;

1 (2) the Commission on Accreditation of Rehabilitation
2 Facilities;

3 (3) the Healthcare Facilities Accreditation Program;
4 or

5 (4) any other national standards of care as approved by
6 the Department.

7 (Source: P.A. 98-104, eff. 7-22-13; 99-712, eff. 8-5-16;
8 revised 10-26-16.)

9 Section 400. The Emergency Medical Services (EMS) Systems
10 Act is amended by changing Sections 3.40 and 3.220 as follows:

11 (210 ILCS 50/3.40)

12 Sec. 3.40. EMS System Participation Suspensions and Due
13 Process.

14 (a) An EMS Medical Director may suspend from participation
15 within the System any EMS personnel, EMS Lead Instructor (LI),
16 individual, individual provider or other participant
17 considered not to be meeting the requirements of the Program
18 Plan of that approved EMS System.

19 (b) Prior to suspending any individual or entity, an EMS
20 Medical Director shall provide an opportunity for a hearing
21 before the local System review board in accordance with
22 subsection (f) and the rules promulgated by the Department.

23 (1) If the local System review board affirms or
24 modifies the EMS Medical Director's suspension order, the

1 individual or entity shall have the opportunity for a
2 review of the local board's decision by the State EMS
3 Disciplinary Review Board, pursuant to Section 3.45 of this
4 Act.

5 (2) If the local System review board reverses or
6 modifies the EMS Medical Director's order, the EMS Medical
7 Director shall have the opportunity for a review of the
8 local board's decision by the State EMS Disciplinary Review
9 Board, pursuant to Section 3.45 of this Act.

10 (3) The suspension shall commence only upon the
11 occurrence of one of the following:

12 (A) the individual or entity has waived the
13 opportunity for a hearing before the local System
14 review board; or

15 (B) the order has been affirmed or modified by the
16 local system review board and the individual or entity
17 has waived the opportunity for review by the State
18 Board; or

19 (C) the order has been affirmed or modified by the
20 local system review board, and the local board's
21 decision has been affirmed or modified by the State
22 Board.

23 (c) An EMS Medical Director may immediately suspend an EMR,
24 EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN, PHRN, LI, or other
25 individual or entity if he or she finds that the continuation
26 in practice by the individual or entity would constitute an

1 imminent danger to the public. The suspended individual or
2 entity shall be issued an immediate verbal notification
3 followed by a written suspension order by the EMS Medical
4 Director which states the length, terms and basis for the
5 suspension.

6 (1) Within 24 hours following the commencement of the
7 suspension, the EMS Medical Director shall deliver to the
8 Department, by messenger, telefax, or other
9 Department-approved electronic communication, a copy of
10 the suspension order and copies of any written materials
11 which relate to the EMS Medical Director's decision to
12 suspend the individual or entity. All medical and
13 patient-specific information, including Department
14 findings with respect to the quality of care rendered,
15 shall be strictly confidential pursuant to the Medical
16 Studies Act (Part 21 of Article VIII of the Code of Civil
17 Procedure).

18 (2) Within 24 hours following the commencement of the
19 suspension, the suspended individual or entity may deliver
20 to the Department, by messenger, telefax, or other
21 Department-approved electronic communication, a written
22 response to the suspension order and copies of any written
23 materials which the individual or entity feels are
24 appropriate. All medical and patient-specific information,
25 including Department findings with respect to the quality
26 of care rendered, shall be strictly confidential pursuant

1 to the Medical Studies Act.

2 (3) Within 24 hours following receipt of the EMS
3 Medical Director's suspension order or the individual or
4 entity's written response, whichever is later, the
5 Director or the Director's designee shall determine
6 whether the suspension should be stayed pending an
7 opportunity for a hearing or review in accordance with this
8 Act, or whether the suspension should continue during the
9 course of that hearing or review. The Director or the
10 Director's designee shall issue this determination to the
11 EMS Medical Director, who shall immediately notify the
12 suspended individual or entity. The suspension shall
13 remain in effect during this period of review by the
14 Director or the Director's designee.

15 (d) Upon issuance of a suspension order for reasons
16 directly related to medical care, the EMS Medical Director
17 shall also provide the individual or entity with the
18 opportunity for a hearing before the local System review board,
19 in accordance with subsection (f) and the rules promulgated by
20 the Department.

21 (1) If the local System review board affirms or
22 modifies the EMS Medical Director's suspension order, the
23 individual or entity shall have the opportunity for a
24 review of the local board's decision by the State EMS
25 Disciplinary Review Board, pursuant to Section 3.45 of this
26 Act.

1 (2) If the local System review board reverses or
2 modifies the EMS Medical Director's suspension order, the
3 EMS Medical Director shall have the opportunity for a
4 review of the local board's decision by the State EMS
5 Disciplinary Review Board, pursuant to Section 3.45 of this
6 Act.

7 (3) The suspended individual or entity may elect to
8 bypass the local System review board and seek direct review
9 of the EMS Medical Director's suspension order by the State
10 EMS Disciplinary Review Board.

11 (e) The Resource Hospital shall designate a local System
12 review board in accordance with the rules of the Department,
13 for the purpose of providing a hearing to any individual or
14 entity participating within the System who is suspended from
15 participation by the EMS Medical Director. The EMS Medical
16 Director shall arrange for a certified shorthand reporter to
17 make a stenographic record of that hearing and thereafter
18 prepare a transcript of the proceedings. The transcript, all
19 documents or materials received as evidence during the hearing
20 and the local System review board's written decision shall be
21 retained in the custody of the EMS system. The System shall
22 implement a decision of the local System review board unless
23 that decision has been appealed to the State Emergency Medical
24 Services Disciplinary Review Board in accordance with this Act
25 and the rules of the Department.

26 (f) The Resource Hospital shall implement a decision of the

1 State Emergency Medical Services Disciplinary Review Board
2 which has been rendered in accordance with this Act and the
3 rules of the Department.

4 (Source: P.A. 98-973, eff. 8-15-14; revised 9-8-16.)

5 (210 ILCS 50/3.220)

6 Sec. 3.220. EMS Assistance Fund.

7 (a) There is hereby created an "EMS Assistance Fund" within
8 the State treasury, for the purpose of receiving fines and fees
9 collected by the Illinois Department of Public Health pursuant
10 to this Act.

11 (b) (Blank).

12 (b-5) All licensing, testing, and certification fees
13 authorized by this Act, excluding ambulance licensure fees,
14 within this fund shall be used by the Department for
15 administration, oversight, and enforcement of activities
16 authorized under this Act.

17 (c) All other moneys within this fund shall be distributed
18 by the Department to the EMS Regions for disbursement in
19 accordance with protocols established in the EMS Region Plans,
20 for the purposes of organization, development and improvement
21 of Emergency Medical Services Systems, including but not
22 limited to training of personnel and acquisition, modification
23 and maintenance of necessary supplies, equipment and vehicles.

24 (d) All fees and fines collected pursuant to this Act shall
25 be deposited into the EMS Assistance Fund, except that all fees

1 collected under Section 3.86 in connection with the licensure
2 of stretcher van providers shall be deposited into the
3 Stretcher Van Licensure Fund.

4 (Source: P.A. 96-702, eff. 8-25-09; 96-1469, eff. 1-1-11;
5 revised 9-8-16.)

6 Section 405. The Home Health, Home Services, and Home
7 Nursing Agency Licensing Act is amended by changing Section
8 10.01 as follows:

9 (210 ILCS 55/10.01) (from Ch. 111 1/2, par. 2810.01)

10 Sec. 10.01. All fines shall be paid to the Department
11 within 10 days of the notice of assessment or, if the fine is
12 contested under Section 10 of this Act, within 10 days of the
13 receipt of the final decision, unless the decision is appealed
14 and the order is stayed by court order under Section 12 of this
15 Act. A fine assessed under this Act shall be collected by the
16 Department. If the licensee against whom the fine has been
17 assessed does not comply with a written demand for payment
18 within 30 days, the Director shall issue an order to do any of
19 the following:

20 (a) certify to the Comptroller, as provided by rule of
21 the Department of delinquent fines due and owing from the
22 licensee or any amounts due and owing as a result of a
23 civil action pursuant to subsection (d) of this Section.
24 The purpose of certification shall be to intercept State

1 income tax refunds and other payments due such licensee in
2 order to satisfy, in whole or in part, any delinquent fines
3 or amounts recoverable in a civil action brought pursuant
4 to subsection (d) of this Section. The rule shall provide
5 for notice to any such licensee or person affected. Any
6 final administrative decision rendered by the Department
7 with respect to any certification made pursuant to this
8 subsection (a) shall be reviewed only under and in
9 accordance with the Administrative Review Law~~;~~

10 (b) certify to the Social Security Administration, as
11 provided by rule of the Department, of delinquent fines due
12 and owing from the licensee or any amounts due and owing as
13 a result of a civil action pursuant to subsection (d) of
14 this Section. The purpose of certification shall be to
15 request the Social Security Administration to intercept
16 and remit to the Department Medicaid reimbursement
17 payments due such licensee in order to satisfy, in whole or
18 in part, any delinquent fines or amounts recoverable in a
19 civil action brought pursuant to subsection (d) of this
20 Section. The rules shall provide for notice to any such
21 licensee or person affected. Any final administrative
22 decision rendered by the Department with respect to any
23 certification made pursuant to this subsection (b) shall be
24 reviewed only under and in accordance with the
25 Administrative Review Law~~;~~

26 (c) add the amount of the penalty to the agency's

1 licensing fee; if the licensee refuses to make the payment
2 at the time of application for renewal of its license, the
3 license shall not be renewed; or

4 (d) bring an action in circuit court to recover the
5 amount of the penalty.

6 (Source: P.A. 94-379, eff. 1-1-06; revised 9-8-16.)

7 Section 410. The Hospital Licensing Act is amended by
8 changing Sections 10 and 10.8 as follows:

9 (210 ILCS 85/10) (from Ch. 111 1/2, par. 151)

10 Sec. 10. Board creation; Department rules.

11 (a) The Governor shall appoint a Hospital Licensing Board
12 composed of 14 persons, which shall advise and consult with the
13 Director in the administration of this Act. The Secretary of
14 Human Services (or his or her designee) shall serve on the
15 Board, along with one additional representative of the
16 Department of Human Services to be designated by the Secretary.
17 Four appointive members shall represent the general public and
18 2 of these shall be members of hospital governing boards; one
19 appointive member shall be a registered professional nurse or
20 advanced practice~~7~~ nurse as defined in the Nurse Practice Act,
21 who is employed in a hospital; 3 appointive members shall be
22 hospital administrators actively engaged in the supervision or
23 administration of hospitals; 2 appointive members shall be
24 practicing physicians, licensed in Illinois to practice

1 medicine in all of its branches; and one appointive member
2 shall be a physician licensed to practice podiatric medicine
3 under the Podiatric Medical Practice Act of 1987; and one
4 appointive member shall be a dentist licensed to practice
5 dentistry under the Illinois Dental Practice Act. In making
6 Board appointments, the Governor shall give consideration to
7 recommendations made through the Director by professional
8 organizations concerned with hospital administration for the
9 hospital administrative and governing board appointments,
10 registered professional nurse organizations for the registered
11 professional nurse appointment, professional medical
12 organizations for the physician appointments, and professional
13 dental organizations for the dentist appointment.

14 (b) Each appointive member shall hold office for a term of
15 3 years, except that any member appointed to fill a vacancy
16 occurring prior to the expiration of the term for which his
17 predecessor was appointed shall be appointed for the remainder
18 of such term and the terms of office of the members first
19 taking office shall expire, as designated at the time of
20 appointment, 2 at the end of the first year, 2 at the end of the
21 second year, and 3 at the end of the third year, after the date
22 of appointment. The initial terms of office of the 2 additional
23 members representing the general public provided for in this
24 Section shall expire at the end of the third year after the
25 date of appointment. The term of office of each original
26 appointee shall commence July 1, 1953; the term of office of

1 the original registered professional nurse appointee shall
2 commence July 1, 1969; the term of office of the original
3 licensed podiatric physician appointee shall commence July 1,
4 1981; the term of office of the original dentist appointee
5 shall commence July 1, 1987; and the term of office of each
6 successor shall commence on July 1 of the year in which his
7 predecessor's term expires. Board members, while serving on
8 business of the Board, shall receive actual and necessary
9 travel and subsistence expenses while so serving away from
10 their places of residence. The Board shall meet as frequently
11 as the Director deems necessary, but not less than once a year.
12 Upon request of 5 or more members, the Director shall call a
13 meeting of the Board.

14 (c) The Director shall prescribe rules, regulations,
15 standards, and statements of policy needed to implement,
16 interpret, or make specific the provisions and purposes of this
17 Act. The Department shall adopt rules which set forth standards
18 for determining when the public interest, safety or welfare
19 requires emergency action in relation to termination of a
20 research program or experimental procedure conducted by a
21 hospital licensed under this Act. No rule, regulation, or
22 standard shall be adopted by the Department concerning the
23 operation of hospitals licensed under this Act which has not
24 had prior approval of the Hospital Licensing Board, nor shall
25 the Department adopt any rule, regulation or standard relating
26 to the establishment of a hospital without consultation with

1 the Hospital Licensing Board.

2 (d) Within one year after August 7, 1984 (the effective
3 date of Public Act 83-1248) ~~this amendatory Act of 1984~~, all
4 hospitals licensed under this Act and providing perinatal care
5 shall comply with standards of perinatal care promulgated by
6 the Department. The Director shall promulgate rules or
7 regulations under this Act which are consistent with the
8 Developmental Disability Prevention Act ~~"An Act relating to the~~
9 ~~prevention of developmental disabilities"~~, ~~approved September~~
10 ~~6, 1973, as amended.~~

11 (Source: P.A. 98-214, eff. 8-9-13; revised 10-26-16.)

12 (210 ILCS 85/10.8)

13 Sec. 10.8. Requirements for employment of physicians.

14 (a) Physician employment by hospitals and hospital
15 affiliates. Employing entities may employ physicians to
16 practice medicine in all of its branches provided that the
17 following requirements are met:

18 (1) The employed physician is a member of the medical
19 staff of either the hospital or hospital affiliate. If a
20 hospital affiliate decides to have a medical staff, its
21 medical staff shall be organized in accordance with written
22 bylaws where the affiliate medical staff is responsible for
23 making recommendations to the governing body of the
24 affiliate regarding all quality assurance activities and
25 safeguarding professional autonomy. The affiliate medical

1 staff bylaws may not be unilaterally changed by the
2 governing body of the affiliate. Nothing in this Section
3 requires hospital affiliates to have a medical staff.

4 (2) Independent physicians, who are not employed by an
5 employing entity, periodically review the quality of the
6 medical services provided by the employed physician to
7 continuously improve patient care.

8 (3) The employing entity and the employed physician
9 sign a statement acknowledging that the employer shall not
10 unreasonably exercise control, direct, or interfere with
11 the employed physician's exercise and execution of his or
12 her professional judgment in a manner that adversely
13 affects the employed physician's ability to provide
14 quality care to patients. This signed statement shall take
15 the form of a provision in the physician's employment
16 contract or a separate signed document from the employing
17 entity to the employed physician. This statement shall
18 state: "As the employer of a physician, (employer's name)
19 shall not unreasonably exercise control, direct, or
20 interfere with the employed physician's exercise and
21 execution of his or her professional judgment in a manner
22 that adversely affects the employed physician's ability to
23 provide quality care to patients."

24 (4) The employing entity shall establish a mutually
25 agreed upon independent review process with criteria under
26 which an employed physician may seek review of the alleged

1 violation of this Section by physicians who are not
2 employed by the employing entity. The affiliate may arrange
3 with the hospital medical staff to conduct these reviews.
4 The independent physicians shall make findings and
5 recommendations to the employing entity and the employed
6 physician within 30 days of the conclusion of the gathering
7 of the relevant information.

8 (b) Definitions. For the purpose of this Section:

9 "Employing entity" means a hospital licensed under the
10 Hospital Licensing Act or a hospital affiliate.

11 "Employed physician" means a physician who receives an IRS
12 W-2 form, or any successor federal income tax form, from an
13 employing entity.

14 "Hospital" means a hospital licensed under the Hospital
15 Licensing Act, except county hospitals as defined in subsection
16 (c) of Section 15-1 of the Illinois Public Aid Code.

17 "Hospital affiliate" means a corporation, partnership,
18 joint venture, limited liability company, or similar
19 organization, other than a hospital, that is devoted primarily
20 to the provision, management, or support of health care
21 services and that directly or indirectly controls, is
22 controlled by, or is under common control of the hospital.

23 "Control" means having at least an equal or a majority
24 ownership or membership interest. A hospital affiliate shall be
25 100% owned or controlled by any combination of hospitals, their
26 parent corporations, or physicians licensed to practice

1 medicine in all its branches in Illinois. "Hospital affiliate"
2 does not include a health maintenance organization regulated
3 under the Health Maintenance Organization Act.

4 "Physician" means an individual licensed to practice
5 medicine in all its branches in Illinois.

6 "Professional judgment" means the exercise of a
7 physician's independent clinical judgment in providing
8 medically appropriate diagnoses, care, and treatment to a
9 particular patient at a particular time. Situations in which an
10 employing entity does not interfere with an employed
11 physician's professional judgment include, without limitation,
12 the following:

13 (1) practice restrictions based upon peer review of the
14 physician's clinical practice to assess quality of care and
15 utilization of resources in accordance with applicable
16 bylaws;

17 (2) supervision of physicians by appropriately
18 licensed medical directors, medical school faculty,
19 department chairpersons or directors, or supervising
20 physicians;

21 (3) written statements of ethical or religious
22 directives; and

23 (4) reasonable referral restrictions that do not, in
24 the reasonable professional judgment of the physician,
25 adversely affect the health or welfare of the patient.

26 (c) Private enforcement. An employed physician aggrieved

1 by a violation of this Act may seek to obtain an injunction or
2 reinstatement of employment with the employing entity as the
3 court may deem appropriate. Nothing in this Section limits or
4 abrogates any common law cause of action. Nothing in this
5 Section shall be deemed to alter the law of negligence.

6 (d) Department enforcement. The Department may enforce the
7 provisions of this Section, but nothing in this Section shall
8 require or permit the Department to license, certify, or
9 otherwise investigate the activities of a hospital affiliate
10 not otherwise required to be licensed by the Department.

11 (e) Retaliation prohibited. No employing entity shall
12 retaliate against any employed physician for requesting a
13 hearing or review under this Section. No action may be taken
14 that affects the ability of a physician to practice during this
15 review, except in circumstances where the medical staff bylaws
16 authorize summary suspension.

17 (f) Physician collaboration. No employing entity shall
18 adopt or enforce, either formally or informally, any policy,
19 rule, regulation, or practice inconsistent with the provision
20 of adequate collaboration, including medical direction of
21 licensed advanced practice nurses or supervision of licensed
22 physician assistants and delegation to other personnel under
23 Section 54.5 of the Medical Practice Act of 1987.

24 (g) Physician disciplinary actions. Nothing in this
25 Section shall be construed to limit or prohibit the governing
26 body of an employing entity or its medical staff, if any, from

1 taking disciplinary actions against a physician as permitted by
2 law.

3 (h) Physician review. Nothing in this Section shall be
4 construed to prohibit a hospital or hospital affiliate from
5 making a determination not to pay for a particular health care
6 service or to prohibit a medical group, independent practice
7 association, hospital medical staff, or hospital governing
8 body from enforcing reasonable peer review or utilization
9 review protocols or determining whether the employed physician
10 complied with those protocols.

11 (i) Review. Nothing in this Section may be used or
12 construed to establish that any activity of a hospital or
13 hospital affiliate is subject to review under the Illinois
14 Health Facilities Planning Act.

15 (j) Rules. The Department shall adopt any rules necessary
16 to implement this Section.

17 (Source: P.A. 92-455, eff. 9-30-01; revised 10-26-16.)

18 Section 415. The Illinois Insurance Code is amended by
19 changing Sections 35A-15, 35A-60, 126.12, 126.25, 143.19,
20 355a, and 1303 as follows:

21 (215 ILCS 5/35A-15)

22 Sec. 35A-15. Company action level event.

23 (a) A company action level event means any of the following
24 events:

1 (1) The filing of an RBC Report by an insurer that
2 indicates that:

3 (A) the insurer's total adjusted capital is
4 greater than or equal to its regulatory action level
5 RBC, but less than its company action level RBC;

6 (B) the insurer, if a life, health, or life and
7 health insurer or a fraternal benefit society, has
8 total adjusted capital that is greater than or equal to
9 its company action level RBC, but less than the product
10 of its authorized control level RBC and 3.0 and has a
11 negative trend; ~~or~~

12 (C) the insurer, if a property and casualty
13 insurer, has total adjusted capital that is greater
14 than or equal to its company action level RBC, but less
15 than the product of its authorized control level RBC
16 and 3.0 and triggers the trend test determined in
17 accordance with the trend test calculation included in
18 the property and casualty RBC Instructions; or.

19 (D) the insurer, if a health organization, has
20 total adjusted capital that is greater than or equal to
21 its company action level RBC but less than the product
22 of its authorized control level RBC and 3.0 and
23 triggers the trend test determined in accordance with
24 the trend test calculation included in the Health RBC
25 Instructions.

26 (2) The notification by the Director to the insurer of

1 an Adjusted RBC Report that indicates an event described in
2 paragraph (1), provided the insurer does not challenge the
3 Adjusted RBC Report under Section 35A-35.

4 (3) The notification by the Director to the insurer
5 that the Director has, after a hearing, rejected the
6 insurer's challenge under Section 35A-35 to an Adjusted RBC
7 Report that indicates the event described in paragraph (1).

8 (b) In the event of a company action level event, the
9 insurer shall prepare and submit to the Director an RBC Plan
10 that does all of the following:

11 (1) Identifies the conditions that contribute to the
12 company action level event.

13 (2) Contains proposed corrective actions that the
14 insurer intends to take and that are expected to result in
15 the elimination of the company action level event. A health
16 organization is not prohibited from proposing recognition
17 of a parental guarantee or a letter of credit to eliminate
18 the company action level event; however the Director shall,
19 at his discretion, determine whether or the extent to which
20 the proposed parental guarantee or letter of credit is an
21 acceptable part of a satisfactory RBC Plan or Revised RBC
22 Plan.

23 (3) Provides projections of the insurer's financial
24 results in the current year and at least the 4 succeeding
25 years, both in the absence of proposed corrective actions
26 and giving effect to the proposed corrective actions,

1 including projections of statutory operating income, net
2 income, capital, and surplus. The projections for both new
3 and renewal business may include separate projections for
4 each major line of business and separately identify each
5 significant income, expense, and benefit component.

6 (4) Identifies the key assumptions affecting the
7 insurer's projections and the sensitivity of the
8 projections to the assumptions.

9 (5) Identifies the quality of, and problems associated
10 with, the insurer's business including, but not limited to,
11 its assets, anticipated business growth and associated
12 surplus strain, extraordinary exposure to risk, mix of
13 business, and use of reinsurance, if any, in each case.

14 (c) The insurer shall submit the RBC Plan to the Director
15 within 45 days after the company action level event occurs or
16 within 45 days after the Director notifies the insurer that the
17 Director has, after a hearing, rejected its challenge under
18 Section 35A-35 to an Adjusted RBC Report.

19 (d) Within 60 days after an insurer submits an RBC Plan to
20 the Director, the Director shall notify the insurer whether the
21 RBC Plan shall be implemented or is, in the judgment of the
22 Director, unsatisfactory. If the Director determines the RBC
23 Plan is unsatisfactory, the notification to the insurer shall
24 set forth the reasons for the determination and may set forth
25 proposed revisions that will render the RBC Plan satisfactory
26 in the judgment of the Director. Upon notification from the

1 Director, the insurer shall prepare a Revised RBC Plan, which
2 may incorporate by reference any revisions proposed by the
3 Director. The insurer shall submit the Revised RBC Plan to the
4 Director within 45 days after the Director notifies the insurer
5 that the RBC Plan is unsatisfactory or within 45 days after the
6 Director notifies the insurer that the Director has, after a
7 hearing, rejected its challenge under Section 35A-35 to the
8 determination that the RBC Plan is unsatisfactory.

9 (e) In the event the Director notifies an insurer that its
10 RBC Plan or Revised RBC Plan is unsatisfactory, the Director
11 may, at the Director's discretion and subject to the insurer's
12 right to a hearing under Section 35A-35, specify in the
13 notification that the notification constitutes a regulatory
14 action level event.

15 (f) Every domestic insurer that files an RBC Plan or
16 Revised RBC Plan with the Director shall file a copy of the RBC
17 Plan or Revised RBC Plan with the chief insurance regulatory
18 official in any state in which the insurer is authorized to do
19 business if that state has a law substantially similar to the
20 confidentiality provisions in subsection (a) of Section 35A-50
21 and if that official requests in writing a copy of the plan.
22 The insurer shall file a copy of the RBC Plan or Revised RBC
23 Plan in that state no later than the later of 15 days after
24 receiving the written request for the copy or the date on which
25 the RBC Plan or Revised RBC Plan is filed under subsection (c)
26 or (d) of this Section.

1 (Source: P.A. 98-157, eff. 8-2-13; 99-542, eff. 7-8-16; revised
2 9-9-16.)

3 (215 ILCS 5/35A-60)

4 Sec. 35A-60. Phase-in of Article.

5 (a) For RBC Reports filed with respect to the December 31,
6 1993 annual statement, instead of the provisions of Sections
7 35A-15, 35A-20, 35A-25, and 35A-30, the following provisions
8 apply:

9 (1) In the event of a company action level event, the
10 Director shall take no action under this Article.

11 (2) In the event of a regulatory action level event
12 under paragraph (1), (2), or (3) of subsection (a) of
13 Section 35A-20, the Director shall take the actions
14 required under Section 35A-15.

15 (3) In the event of a regulatory action level event
16 under paragraph (4), (5), (6), (7), (8), or (9) of
17 subsection (a) of Section 35A-20 or an authorized control
18 level event, the Director shall take the actions required
19 under Section 35A-20.

20 (4) In the event of a mandatory control level event,
21 the Director shall take the actions required under Section
22 35A-25.

23 (b) For RBC Reports required to be filed by property and
24 casualty insurers with respect to the December 31, 1995 annual
25 statement, instead of the provisions of Sections ~~Section~~

1 35A-15, 35A-20, 35A-25, and 35A-30, the following provisions
2 apply:

3 (1) In the event of a company action level event with
4 respect to a domestic insurer, the Director shall take no
5 regulatory action under this Article.

6 (2) In the event of a regulatory action level event
7 under paragraph (1), (2), or (3) of subsection (a) of
8 Section 35A-20, the Director shall take the actions
9 required under Section 35A-15.

10 (3) In the event of a regulatory action level event
11 under paragraph (4), (5), (6), (7), (8), or (9) of
12 subsection (a) of Section 35A-20 or an authorized control
13 level event, the Director shall take the actions required
14 under Section 35A-20.

15 (4) In the event of a mandatory control level event,
16 the Director shall take the actions required under Section
17 35A-25.

18 (c) For RBC Reports required to be filed by health
19 organizations with respect to the December 31, 1999 annual
20 statement and the December 31, 2000 annual statement, instead
21 of the provisions of Sections 35A-15, 35A-20, 35A-25, and
22 35A-30, the following provisions apply:

23 (1) In the event of a company action level event with
24 respect to a domestic insurer, the Director shall take no
25 regulatory action under this Article.

26 (2) In the event of a regulatory action level event

1 under paragraph (1), (2), or (3) of subsection (a) of
2 Section 35A-20, the Director shall take the actions
3 required under Section 35A-15.

4 (3) In the event of a regulatory action level event
5 under paragraph (4), (5), (6), (7), (8), or (9) of
6 subsection (a) of Section 35A-20 or an authorized control
7 level event, the Director shall take the actions required
8 under Section 35A-20.

9 (4) In the event of a mandatory control level event,
10 the Director shall take the actions required under Section
11 35A-25.

12 This subsection does not apply to a health organization
13 that provides or arranges for a health care plan under which
14 enrollees may access health care services from contracted
15 providers without a referral from their primary care physician.

16 Nothing in this subsection shall preclude or limit other
17 powers or duties of the Director under any other laws.

18 (d) For RBC Reports required to be filed by fraternal
19 benefit societies with respect to the December 31, 2013 annual
20 statement and the December 31, 2014 annual statement, instead
21 of the provisions of Sections 35A-15, 35A-20, 35A-25, and
22 35A-30, the following provisions apply:

23 (1) In the event of a company action level event with
24 respect to a domestic insurer, the Director shall take no
25 regulatory action under this Article.

26 (2) In the event of a regulatory action level event

1 under paragraph (1), (2), or (3) of subsection (a) of
2 Section 35A-20, the Director shall take the actions
3 required under Section 35A-15.

4 (3) In the event of a regulatory action level event
5 under paragraph (4), (5), (6), (7), (8), or (9) of
6 subsection (a) of Section 35A-20 or an authorized control
7 level event, the Director shall take the actions required
8 under Section 35A-20.

9 (4) In the event of a mandatory control level event,
10 the Director shall take the actions required under Section
11 35A-25.

12 Nothing in this subsection shall preclude or limit other
13 powers or duties of the Director under any other laws.

14 (Source: P.A. 98-157, eff. 8-2-13; revised 9-2-16.)

15 (215 ILCS 5/126.12)

16 Sec. 126.12. Insurer investment pools.

17 A. An insurer may acquire investments in investment pools
18 that:

19 (1) Invest only in:

20 (a) Obligations that are rated 1 or 2 by the SVO or
21 have an equivalent of an SVO 1 or 2 rating (or, in the
22 absence of a 1 or 2 rating or equivalent rating, the
23 issuer has outstanding obligations with an SVO 1 or 2
24 or equivalent rating) by a nationally recognized
25 statistical rating organization recognized by the SVO

1 and have:

2 (i) A remaining maturity of 397 days or less or
3 a put that entitles the holder to receive the
4 principal amount of the obligation which put may be
5 exercised through maturity at specified intervals
6 not exceeding 397 days; or

7 (ii) A remaining maturity of 3 years or less
8 and a floating interest rate that resets no less
9 frequently than quarterly on the basis of a current
10 short-term index (federal funds, prime rate,
11 treasury bills, London InterBank Offered Rate
12 (LIBOR) or commercial paper) and is subject to no
13 maximum limit, if the obligations do not have an
14 interest rate that varies inversely to market
15 interest rate changes;

16 (b) Government money market mutual funds or class
17 one money market mutual funds; or

18 (c) Securities lending, repurchase, and reverse
19 repurchase transactions that meet all the requirements
20 of Section 126.16, except the quantitative limitations
21 of Section 126.16D; or

22 (2) Invest only in investments which an insurer may
23 acquire under this Article, if the insurer's proportionate
24 interest in the amount invested in these investments when
25 combined with amount of such investments made directly or
26 indirectly through an investment subsidiary or other

1 insurer investment pool permitted under this subsection
2 A(2) does not exceed the applicable limits of this Article
3 for such investments.

4 B. For an investment in an investment pool to be qualified
5 under this Article, the investment pool shall not:

6 (1) Acquire securities issued, assumed, guaranteed or
7 insured by the insurer or an affiliate of the insurer;

8 (2) Borrow or incur any indebtedness for borrowed
9 money, except for securities lending and reverse
10 repurchase transactions that meet the requirements of
11 Section 126.16 except the quantitative limitations of
12 Section 126.16D; or

13 (3) Acquire an investment if, as a result of such
14 transaction, the aggregate value of securities then loaned
15 or sold to, purchased from or invested in any one business
16 entity under this Section would exceed 10% of the total
17 assets of the investment pool.

18 C. The limitations of Section 126.10A shall not apply to an
19 insurer's investment in an investment pool, however an insurer
20 shall not acquire an investment in an investment pool under
21 this Section if, as a result of and after giving effect to the
22 investment, the aggregate amount of investments then held by
23 the insurer under this Section:

24 (1) In all investment pools investing in investments
25 permitted under subsection A(2) of this Section would
26 exceed 25% of its admitted assets; or

1 (2) In all investment pools would exceed 35% of its
2 admitted assets.

3 D. For an investment in an investment pool to be qualified
4 under this Article, the manager of the investment pool shall:

5 (1) Be organized under the laws of the United States or
6 a state and designated as the pool manager in a pooling
7 agreement;

8 (2) Be the insurer, an affiliated insurer or a business
9 entity affiliated with the insurer, a qualified bank, a
10 business entity registered under the Investment Advisers
11 ~~Advisers~~ Act of 1940 (15 U.S.C. 80a-1 et seq.), as amended
12 or, in the case of a reciprocal insurer or interinsurance
13 exchange, its attorney-in-fact, or in the case of a United
14 States branch of an alien insurer, its United States
15 manager or an affiliate or subsidiary of its United States
16 manager;

17 (3) Be responsible for the compilation and maintenance
18 of detailed accounting records setting forth:

19 (a) The cash receipts and disbursements reflecting
20 each participant's proportionate investment in the
21 investment pool;

22 (b) A complete description of all underlying
23 assets of the investment pool (including amount,
24 interest rate, maturity date (if any) and other
25 appropriate designations); and

26 (c) Other records which, on a daily basis, allow

1 third parties to verify each participant's investment
2 in the investment pool; and

3 (4) Maintain the assets of the investment pool in one
4 or more accounts, in the name of or on behalf of the
5 investment pool, under a custody agreement with a qualified
6 bank. The custody agreement shall:

7 (a) State and recognize the claims and rights of
8 each participant;

9 (b) Acknowledge that the underlying assets of the
10 investment pool are held solely for the benefit of each
11 participant in proportion to the aggregate amount of
12 its investments in the investment pool; and

13 (c) Contain an agreement that the underlying
14 assets of the investment pool shall not be commingled
15 with the general assets of the custodian qualified bank
16 or any other person.

17 E. The pooling agreement for each investment pool shall be
18 in writing and shall provide that:

19 (1) An insurer and its affiliated insurers or, in the
20 case of an investment pool investing solely in investments
21 permitted under subsection A(1) of this Section, the
22 insurer and its subsidiaries, affiliates or any pension or
23 profit sharing plan of the insurer, its subsidiaries and
24 affiliates or, in the case of a United States branch of an
25 alien insurer, affiliates or subsidiaries of its United
26 States manager, shall, at all times, hold 100% of the

1 interests in the investment pool;

2 (2) The underlying assets of the investment pool shall
3 not be commingled with the general assets of the pool
4 manager or any other person;

5 (3) In proportion to the aggregate amount of each pool
6 participant's interest in the investment pool:

7 (a) Each participant owns an undivided interest in
8 the underlying assets of the investment pool; and

9 (b) The underlying assets of the investment pool
10 are held solely for the benefit of each participant;

11 (4) A participant, or in the event of the participant's
12 insolvency, bankruptcy or receivership, its trustee,
13 receiver or other successor-in-interest, may withdraw all
14 or any portion of its investment from the investment pool
15 under the terms of the pooling agreement;

16 (5) Withdrawals may be made on demand without penalty
17 or other assessment on any business day, but settlement of
18 funds shall occur within a reasonable and customary period
19 thereafter not to exceed 10 business days. Distributions
20 under this paragraph shall be calculated in each case net
21 of all then applicable fees and expenses of the investment
22 pool. The pooling agreement shall provide that the pool
23 manager shall distribute to a participant, at the
24 discretion of the pool manager:

25 (a) In cash, the then fair market value of the
26 participant's pro rata share of each underlying asset

1 of the investment pool;

2 (b) In kind, a pro rata share of each underlying
3 asset; or

4 (c) In a combination of cash and in kind
5 distributions, a pro rata share in each underlying
6 asset; and

7 (6) The pool manager shall make the records of the
8 investment pool available for inspection by the Director.

9 F. Except for the formation of the investment pool,
10 transactions and between a domestic insurer and an affiliated
11 insurer investment pool shall not be subject to the
12 requirements of Section 131.20a of this Code.

13 (Source: P.A. 90-418, eff. 8-15-97; revised 9-2-16.)

14 (215 ILCS 5/126.25)

15 Sec. 126.25. Insurer investment pools.

16 A. An insurer may acquire investments in investment pools
17 that:

18 (1) Invest only in:

19 (a) Obligations that are rated 1 or 2 by the SVO or
20 have an equivalent of an SVO 1 or 2 rating (or, in the
21 absence of a 1 or 2 rating or equivalent rating, the
22 issuer has outstanding obligations with an SVO 1 or 2
23 or equivalent rating) by a nationally recognized
24 statistical rating organization recognized by the SVO
25 and have:

1 (i) A remaining maturity of 397 days or less or
2 a put that entitles the holder to receive the
3 principal amount of the obligation which put may be
4 exercised through maturity at specified intervals
5 not exceeding 397 days; or

6 (ii) A remaining maturity of 3 years or less
7 and a floating interest rate that resets no less
8 frequently than quarterly on the basis of a current
9 short-term index (federal funds, prime rate,
10 treasury bills, London InterBank Offered Rate
11 (LIBOR) or commercial paper) and is subject to no
12 maximum limit, if the obligations do not have an
13 interest rate that varies inversely to market
14 interest rate changes;

15 (b) Government money market mutual funds or class
16 one money market mutual funds; or

17 (c) Securities lending, repurchase, and reverse
18 repurchase, transactions that meet all the
19 requirements of Section 126.29, except the
20 quantitative limitations of Section 126.29D; or

21 (2) Invest only in investments which an insurer may
22 acquire under this Article, if the insurer's proportionate
23 interest in the amount invested in these investments when
24 combined with amounts of such investments made directly or
25 indirectly through an investment subsidiary or other
26 insurer investment pool permitted under this subsection

1 A(2) does not exceed the applicable limits of this Article
2 for such investments.

3 B. For an investment in an investment pool to be qualified
4 under this Article, the investment pool shall not:

5 (1) Acquire securities issued, assumed, guaranteed, or
6 insured by the insurer or an affiliate of the insurer;

7 (2) Borrow or incur any indebtedness for borrowed
8 money, except for securities lending and reverse
9 repurchase transactions that meet the requirements of
10 Section 126.29 except the quantitative limitations of
11 Section 126.29D; or

12 (3) Acquire an investment if, as a result of such
13 transaction, the aggregate value of securities then loaned
14 or sold to, purchased from or invested in any one business
15 entity under this Section would exceed 10% of the total
16 assets of the investment pool.

17 C. The limitations of Section 126.23A shall not apply to an
18 insurer's investment in an investment pool, however an insurer
19 shall not acquire an investment in an investment pool under
20 this Section if, as a result of and after giving effect to the
21 investment, the aggregate amount of investments then held by
22 the insurer under this Section:

23 (1) In all investment pools investing in investments
24 permitted under subsection A(2) of this Section would
25 exceed 25% of its admitted assets; or

26 (2) In all investment pools would exceed 40% of its

1 admitted assets.

2 D. For an investment in an investment pool to be qualified
3 under this Article, the manager of the investment pool shall:

4 (1) Be organized under the laws of the United States or
5 a state and designated as the pool manager in a pooling
6 agreement;

7 (2) Be the insurer, an affiliated insurer or a business
8 entity affiliated with the insurer, a qualified bank, a
9 business entity registered under the Investment Advisers
10 ~~Advisors~~ Act of 1940 (15 U.S.C. 80a-1 et seq.), as amended
11 or, in the case of a reciprocal insurer or interinsurance
12 exchange, its attorney-in-fact, or in the case of a United
13 States branch of an alien insurer, its United States
14 manager or an affiliate or subsidiary of its United States
15 manager;

16 (3) Be responsible for the compilation and maintenance
17 of detailed accounting records setting forth:

18 (a) The cash receipts and disbursements reflecting
19 each participant's proportionate investment in the
20 investment pool;

21 (b) A complete description of all underlying
22 assets of the investment pool (including amount,
23 interest rate, maturity date (if any) and other
24 appropriate designations); and

25 (c) Other records which, on a daily basis, allow
26 third parties to verify each participant's investment

1 in the investment pool; and

2 (4) Maintain the assets of the investment pool in one
3 or more accounts, in the name of or on behalf of the
4 investment pool, under a custody agreement with a qualified
5 bank. The custody agreement shall:

6 (a) State and recognize the claims and rights of
7 each participant;

8 (b) Acknowledge that the underlying assets of the
9 investment pool are held solely for the benefit of each
10 participant in proportion to the aggregate amount of
11 its investments in the investment pool; and

12 (c) Contain an agreement that the underlying
13 assets of the investment pool shall not be commingled
14 with the general assets of the custodian qualified bank
15 or any other person.

16 E. The pooling agreement for each investment pool shall be
17 in writing and shall provide that:

18 (1) An insurer and its affiliated insurers or, in the
19 case of an investment pool investing solely in investments
20 permitted under subsection A(1) of this Section, the
21 insurer and its subsidiaries, affiliates or any pension or
22 profit sharing plan of the insurer, its subsidiaries and
23 affiliates or, in the case of a United States branch of an
24 alien insurer, affiliates or subsidiaries of its United
25 States manager, shall, at all times, hold 100% of the
26 interests in the investment pool;

1 (2) The underlying assets of the investment pool shall
2 not be commingled with the general assets of the pool
3 manager or any other person;

4 (3) In proportion to the aggregate amount of each pool
5 participant's interest in the investment pool:

6 (a) Each participant owns an undivided interest in
7 the underlying assets of the investment pool; and

8 (b) The underlying assets of the investment pool
9 are held solely for the benefit of each participant;

10 (4) A participant, or in the event of the participant's
11 insolvency, bankruptcy or receivership, its trustee,
12 receiver or other successor-in-interest, may withdraw all
13 or any portion of its investment from the investment pool
14 under the terms of the pooling agreement;

15 (5) Withdrawals may be made on demand without penalty
16 or other assessment on any business day, but settlement of
17 funds shall occur within a reasonable and customary period
18 thereafter not to exceed 10 business days. Distributions
19 under this paragraph shall be calculated in each case net
20 of all then applicable fees and expenses of the investment
21 pool. The pooling agreement shall provide that the pool
22 manager shall distribute to a participant, at the
23 discretion of the pool manager:

24 (a) In cash, the then fair market value of the
25 participant's pro rata share of each underlying asset
26 of the investment pool;

1 (b) In kind, a pro rata share of each underlying
2 asset; or

3 (c) In a combination of cash and in kind
4 distributions, a pro rata share in each underlying
5 asset; and

6 (6) The pool manager shall make the records of the
7 investment pool available for inspection by the Director.

8 F. Except for the formation of the investment pool,
9 transactions between a domestic insurer and an affiliated
10 insurer investment pool shall not be subject to the
11 requirements of Section 131.20a of this Code.

12 (Source: P.A. 90-418, eff. 8-15-97; revised 9-2-16.)

13 (215 ILCS 5/143.19) (from Ch. 73, par. 755.19)

14 Sec. 143.19. Cancellation of automobile insurance policy;
15 grounds ~~Automobile Insurance Policy — Grounds~~. After a policy
16 of automobile insurance as defined in Section 143.13(a) has
17 been effective for 60 days, or if such policy is a renewal
18 policy, the insurer shall not exercise its option to cancel
19 such policy except for one or more of the following reasons:

20 a. Nonpayment of premium;

21 b. The policy was obtained through a material
22 misrepresentation;

23 c. Any insured violated any of the terms and conditions
24 of the policy;

25 d. The named insured failed to disclose fully his motor

1 vehicle accidents and moving traffic violations for the
2 preceding 36 months if called for in the application;

3 e. Any insured made a false or fraudulent claim or ~~of~~
4 knowingly aided or abetted another in the presentation of
5 such a claim;

6 f. The named insured or any other operator who either
7 resides in the same household or customarily operates an
8 automobile insured under such policy:

9 1. has, within the 12 months prior to the notice of
10 cancellation, had his driver's license under
11 suspension or revocation;

12 2. is or becomes subject to epilepsy or heart
13 attacks, and such individual does not produce a
14 certificate from a physician testifying to his
15 unqualified ability to operate a motor vehicle safely;

16 3. has an accident record, conviction record
17 (criminal or traffic), physical, or mental condition
18 which is such that his operation of an automobile might
19 endanger the public safety;

20 4. has, within the 36 months prior to the notice of
21 cancellation, been addicted to the use of narcotics or
22 other drugs; or

23 5. has been convicted, or forfeited bail, during
24 the 36 months immediately preceding the notice of
25 cancellation, for any felony, criminal negligence
26 resulting in death, homicide or assault arising out of

1 the operation of a motor vehicle, operating a motor
2 vehicle while in an intoxicated condition or while
3 under the influence of drugs, being intoxicated while
4 in, or about, an automobile or while having custody of
5 an automobile, leaving the scene of an accident without
6 stopping to report, theft or unlawful taking of a motor
7 vehicle, making false statements in an application for
8 an operator's or chauffeur's license or has been
9 convicted or forfeited bail for 3 or more violations
10 within the 12 months immediately preceding the notice
11 of cancellation, of any law, ordinance, or regulation
12 limiting the speed of motor vehicles or any of the
13 provisions of the motor vehicle laws of any state,
14 violation of which constitutes a misdemeanor, whether
15 or not the violations were repetitions of the same
16 offense or ~~of~~ different offenses;

17 g. The insured automobile is:

18 1. so mechanically defective that its operation
19 might endanger public safety;

20 2. used in carrying passengers for hire or
21 compensation (the use of an automobile for a car pool
22 shall not be considered use of an automobile for hire
23 or compensation);

24 3. used in the business of transportation of
25 flammables or explosives;

26 4. an authorized emergency vehicle;

1 5. changed in shape or condition during the policy
2 period so as to increase the risk substantially; or

3 6. subject to an inspection law and has not been
4 inspected or, if inspected, has failed to qualify.

5 Nothing in this Section shall apply to nonrenewal.

6 (Source: P.A. 92-16, eff. 6-28-01; revised 9-19-16.)

7 (215 ILCS 5/355a) (from Ch. 73, par. 967a)

8 Sec. 355a. Standardization of terms and coverage.

9 (1) The purposes ~~purpose~~ of this Section shall be (a) to
10 provide reasonable standardization and simplification of terms
11 and coverages of individual accident and health insurance
12 policies to facilitate public understanding and comparisons;
13 (b) to eliminate provisions contained in individual accident
14 and health insurance policies which may be misleading or
15 unreasonably confusing in connection either with the purchase
16 of such coverages or with the settlement of claims; and (c) to
17 provide for reasonable disclosure in the sale of accident and
18 health coverages.

19 (2) Definitions applicable to this Section are as follows:

20 (a) "Policy" means all or any part of the forms
21 constituting the contract between the insurer and the
22 insured, including the policy, certificate, subscriber
23 contract, riders, endorsements, and the application if
24 attached, which are subject to filing with and approval by
25 the Director.

1 (b) "Service corporations" means voluntary health and
2 dental corporations organized and operating respectively
3 under the Voluntary Health Services Plans Act and the
4 Dental Service Plan Act.

5 (c) "Accident and health insurance" means insurance
6 written under Article XX of this ~~the Insurance~~ Code, other
7 than credit accident and health insurance, and coverages
8 provided in subscriber contracts issued by service
9 corporations. For purposes of this Section such service
10 corporations shall be deemed to be insurers engaged in the
11 business of insurance.

12 (3) The Director shall issue such rules as he shall deem
13 necessary or desirable to establish specific standards,
14 including standards of full and fair disclosure that set forth
15 the form and content and required disclosure for sale, of
16 individual policies of accident and health insurance, which
17 rules and regulations shall be in addition to and in accordance
18 with the applicable laws of this State, and which may cover but
19 shall not be limited to: (a) terms of renewability; (b) initial
20 and subsequent conditions of eligibility; (c) non-duplication
21 of coverage provisions; (d) coverage of dependents; (e)
22 pre-existing conditions; (f) termination of insurance; (g)
23 probationary periods; (h) limitation, exceptions, and
24 reductions; (i) elimination periods; (j) requirements
25 regarding replacements; (k) recurrent conditions; and (l) the
26 definition of terms, including, but not limited to, the

1 following: hospital, accident, sickness, injury, physician,
2 accidental means, total disability, partial disability,
3 nervous disorder, guaranteed renewable, and non-cancellable.

4 The Director may issue rules that specify prohibited policy
5 provisions not otherwise specifically authorized by statute
6 which in the opinion of the Director are unjust, unfair or
7 unfairly discriminatory to the policyholder, any person
8 insured under the policy, or beneficiary.

9 (4) The Director shall issue such rules as he shall deem
10 necessary or desirable to establish minimum standards for
11 benefits under each category of coverage in individual accident
12 and health policies, other than conversion policies issued
13 pursuant to a contractual conversion privilege under a group
14 policy, including but not limited to the following categories:
15 (a) basic hospital expense coverage; (b) basic
16 medical-surgical expense coverage; (c) hospital confinement
17 indemnity coverage; (d) major medical expense coverage; (e)
18 disability income protection coverage; (f) accident only
19 coverage; and (g) specified disease or specified accident
20 coverage.

21 Nothing in this subsection (4) shall preclude the issuance
22 of any policy which combines two or more of the categories of
23 coverage enumerated in subparagraphs (a) through (f) of this
24 subsection.

25 No policy shall be delivered or issued for delivery in this
26 State which does not meet the prescribed minimum standards for

1 the categories of coverage listed in this subsection unless the
2 Director finds that such policy is necessary to meet specific
3 needs of individuals or groups and such individuals or groups
4 will be adequately informed that such policy does not meet the
5 prescribed minimum standards, and such policy meets the
6 requirement that the benefits provided therein are reasonable
7 in relation to the premium charged. The standards and criteria
8 to be used by the Director in approving such policies shall be
9 included in the rules required under this Section with as much
10 specificity as practicable.

11 The Director shall prescribe by rule the method of
12 identification of policies based upon coverages provided.

13 (5) (a) In order to provide for full and fair disclosure in
14 the sale of individual accident and health insurance policies,
15 no such policy shall be delivered or issued for delivery in
16 this State unless the outline of coverage described in
17 paragraph (b) of this subsection either accompanies the policy,
18 or is delivered to the applicant at the time the application is
19 made, and an acknowledgment signed by the insured, of receipt
20 of delivery of such outline, is provided to the insurer. In the
21 event the policy is issued on a basis other than that applied
22 for, the outline of coverage properly describing the policy
23 must accompany the policy when it is delivered and such outline
24 shall clearly state that the policy differs, and to what
25 extent, from that for which application was originally made.
26 All policies, except single premium nonrenewal policies, shall

1 have a notice prominently printed on the first page of the
2 policy or attached thereto stating in substance, that the
3 policyholder shall have the right to return the policy within
4 10 days of its delivery and to have the premium refunded if
5 after examination of the policy the policyholder is not
6 satisfied for any reason.

7 (b) The Director shall issue such rules as he shall deem
8 necessary or desirable to prescribe the format and content of
9 the outline of coverage required by paragraph (a) of this
10 subsection. "Format" means style, arrangement, and overall
11 appearance, including such items as the size, color, and
12 prominence of type and the arrangement of text and captions.
13 "Content" shall include without limitation thereto, statements
14 relating to the particular policy as to the applicable category
15 of coverage prescribed under subsection (4) 4; principal
16 benefits; exceptions, reductions and limitations; and renewal
17 provisions, including any reservation by the insurer of a right
18 to change premiums. Such outline of coverage shall clearly
19 state that it constitutes a summary of the policy issued or
20 applied for and that the policy should be consulted to
21 determine governing contractual provisions.

22 (c) Without limiting the generality of paragraph (b) of
23 this subsection (5), no qualified health plans shall be offered
24 for sale directly to consumers through the health insurance
25 marketplace operating in the State in accordance with Sections
26 1311 and 1321 of the federal Patient Protection and Affordable

1 Care Act of 2010 (Public Law 111-148), as amended by the
2 federal Health Care and Education Reconciliation Act of 2010
3 (Public Law 111-152), and any amendments thereto, or
4 regulations or guidance issued thereunder (collectively, "the
5 Federal Act"), unless the following information is made
6 available to the consumer at the time he or she is comparing
7 policies and their premiums:

8 (i) With respect to prescription drug benefits, the
9 most recently published formulary where a consumer can view
10 in one location covered prescription drugs; information on
11 tiering and the cost-sharing structure for each tier; and
12 information about how a consumer can obtain specific
13 copayment amounts or coinsurance percentages for a
14 specific qualified health plan before enrolling in that
15 plan. This information shall clearly identify the
16 qualified health plan to which it applies.

17 (ii) The most recently published provider directory
18 where a consumer can view the provider network that applies
19 to each qualified health plan and information about each
20 provider, including location, contact information,
21 specialty, medical group, if any, any institutional
22 affiliation, and whether the provider is accepting new
23 patients at each of the specific locations listing the
24 provider. Dental providers shall notify qualified health
25 plans electronically or in writing of any changes to their
26 information as listed in the provider directory. Qualified

1 health plans shall update their directories in a manner
2 consistent with the information provided by the provider or
3 dental management service organization within 10 business
4 days after being notified of the change by the provider.
5 Nothing in this paragraph (ii) shall void any contractual
6 relationship between the provider and the plan. The
7 information shall clearly identify the qualified health
8 plan to which it applies.

9 (d) Each company that offers qualified health plans for
10 sale directly to consumers through the health insurance
11 marketplace operating in the State shall make the information
12 in paragraph (c) of this subsection (5), for each qualified
13 health plan that it offers, available and accessible to the
14 general public on the company's Internet website and through
15 other means for individuals without access to the Internet.

16 (e) The Department shall ensure that State-operated
17 Internet websites, in addition to the Internet website for the
18 health insurance marketplace established in this State in
19 accordance with the Federal Act, prominently provide links to
20 Internet-based materials and tools to help consumers be
21 informed purchasers of health insurance.

22 (f) Nothing in this Section shall be interpreted or
23 implemented in a manner not consistent with the Federal Act.
24 This Section shall apply to all qualified health plans offered
25 for sale directly to consumers through the health insurance
26 marketplace operating in this State for any coverage year

1 beginning on or after January 1, 2015.

2 (6) Prior to the issuance of rules pursuant to this
3 Section, the Director shall afford the public, including the
4 companies affected thereby, reasonable opportunity for
5 comment. Such rulemaking is subject to the provisions of the
6 Illinois Administrative Procedure Act.

7 (7) When a rule has been adopted, pursuant to this Section,
8 all policies of insurance or subscriber contracts which are not
9 in compliance with such rule shall, when so provided in such
10 rule, be deemed to be disapproved as of a date specified in
11 such rule not less than 120 days following its effective date,
12 without any further or additional notice other than the
13 adoption of the rule.

14 (8) When a rule adopted pursuant to this Section so
15 provides, a policy of insurance or subscriber contract which
16 does not comply with the rule shall, not less than 120 days
17 from the effective date of such rule, be construed, and the
18 insurer or service corporation shall be liable, as if the
19 policy or contract did comply with the rule.

20 (9) Violation of any rule adopted pursuant to this Section
21 shall be a violation of the insurance law for purposes of
22 Sections 370 and 446 of this ~~the Insurance~~ Code.

23 (Source: P.A. 98-1035, eff. 8-25-14; 99-329, eff. 1-1-16;
24 revised 9-9-16.)

25 (215 ILCS 5/1303) (from Ch. 73, par. 1065.1003)

1 Sec. 1303. Definitions. The following definitions shall
2 apply to this Article:

3 "Consolidation" means any transaction in which a financial
4 institution makes its premium collection services available to
5 its mortgage debtors in connection with a particular insurer's
6 ("new insurer") offer of mortgage insurance, which offer is
7 made to debtors who, immediately prior to the offer, had
8 mortgage insurance with another insurer ("old insurer") and
9 were paying premiums for that insurance with their monthly
10 mortgage payments.

11 "Financial institution" or "servicer" means any entity or
12 organization that services mortgage loans by collecting and
13 accounting for monthly mortgage insurance premiums as part of
14 the debtor's monthly mortgage payment for one or more insurers.

15 "Insured" means the individual loan customer or
16 certificate holder.

17 "Loan transfer" means a transaction in which the servicing
18 of a block of mortgage loans is transferred from one servicer
19 to another servicer. This shall include, but not be limited,
20 to l mergers or acquisitions.

21 "Loan transfer consolidation" means a consolidation in
22 which coverage is limited to insureds whose mortgage loans have
23 been sold or transferred in the secondary market from one
24 servicer to another.

25 "Group-to-group consolidation" means a consolidation in
26 which coverages under both the old plan and the new plan is

1 provided under group policies.

2 "Mortgage insurance" means mortgage life insurance (term
3 or ordinary), mortgage disability insurance, mortgage
4 accidental death insurance, or any combination thereof,
5 including both individual and group policies, and any
6 certificates issued thereunder, on credit transactions of more
7 than 10 years duration and written in connection with a credit
8 transaction that is secured by a first mortgage or deed of
9 trust and made to finance the purchase of real property or the
10 construction of a dwelling thereon or to refinance a prior
11 credit transaction made for such a purpose.

12 "New coverage" or "new plan" means the mortgage insurance
13 coverage or plan for which a financial institution collects
14 premium beginning on the effective date of a consolidation.

15 "New insurer" means any insurer who offers mortgage
16 insurance coverage to borrowers of the financial institution
17 who can no longer remit monthly premiums for the old insurer
18 along with their monthly mortgage payment.

19 "Old coverage" or "old plan" means the mortgage insurance
20 coverage or plan for which a financial institution collects
21 premiums immediately prior to a consolidation.

22 "Old insurer" means any insurer for whom a financial
23 institution will no longer make its premium collection
24 facilities available for all or some of the insurer's
25 policyholders or certificate holders.

26 (Source: P.A. 86-378; revised 10-25-16.)

1 Section 420. The Reinsurance Intermediary Act is amended by
2 changing Section 10 as follows:

3 (215 ILCS 100/10) (from Ch. 73, par. 1610)

4 Sec. 10. Licensure.

5 (a) No person, firm, association, or corporation that
6 maintains an office, officer, director, agent, or employee,
7 directly or indirectly, in this State shall act as an
8 intermediary broker unless licensed as an insurance producer in
9 this State. No person, firm, association, or corporation that
10 does not maintain an office, officer, director, agent, or
11 employee in this State shall act as an intermediary broker in
12 this State unless licensed as an insurance producer in this
13 State, unless licensed as an insurance producer in another
14 state that has a law substantially similar to this law, or
15 unless licensed in this State as a nonresident reinsurance
16 intermediary.

17 (b) No person, firm, association, or corporation shall act
18 as an intermediary manager, except in compliance with this
19 subsection, as follows:

20 (1) For a reinsurer domiciled in this State, unless the
21 intermediary manager is a licensed producer in this State.

22 (2) In this State, if the intermediary manager
23 maintains an office, either directly or as a member or
24 employee of a firm or association, or an officer, director,

1 or employee of a corporation, in this State, unless the
2 intermediary manager is a licensed producer in this State.

3 (3) In another state for a nondomestic insurer, unless
4 the intermediary manager is a licensed producer in this
5 State or another state having a law substantially similar
6 to this law or the person is licensed in this State as a
7 nonresident reinsurance intermediary.

8 (c) The Director may require an intermediary manager
9 subject to subsection (b) to:

10 (1) file a bond in an amount and from an insurer
11 acceptable to the Director for the protection of the
12 reinsurer; and

13 (2) maintain an errors and omissions policy in an
14 amount acceptable to the Director.

15 (d) The Director may issue a reinsurance intermediary
16 license to any person, firm, association, or corporation that
17 has complied ~~compiled~~ with the requirements of this Act. Any
18 license issued to a firm or association will authorize all the
19 members of the firm or association and any designated employees
20 to act as reinsurance intermediaries under the license. All of
21 those persons shall be named in the application and any
22 supplements thereto. Any license issued to a corporation shall
23 authorize all of the officers and any designated employees and
24 directors thereof to act as reinsurance intermediaries on
25 behalf of the corporation, and all of those persons shall be
26 named in the application and any supplements thereto.

1 If the applicant for a reinsurance intermediary license is
2 a nonresident, the applicant, as a condition precedent to
3 receiving or holding a license, shall designate the Director as
4 agent for service of process in the manner, and with the same
5 legal effect, provided in the Illinois Insurance Code for
6 designation of service of process upon unauthorized insurers.
7 The applicant shall also furnish the Director with the name and
8 address of a resident of this State upon whom notices or orders
9 of the Director or process affecting the nonresident
10 reinsurance intermediary may be served. The licensee shall
11 promptly notify the Director in writing of every change in its
12 designated agent for service of process. The change shall not
13 become effective until acknowledged by the Director.

14 (e) The Director may refuse to issue a reinsurance
15 intermediary license if, in his judgment, the applicant, any
16 one named on the application or any member, principal, officer,
17 or director of the applicant is not trustworthy; or that any
18 controlling person of the applicant is not trustworthy to act
19 as a reinsurance intermediary; or any of the foregoing has
20 given cause for revocation or suspension of that kind of
21 license or has failed to comply with any prerequisite for the
22 issuance of the license. Upon written request therefor, the
23 Director will furnish a summary of the basis for refusal to
24 issue a license, which document shall be privileged and not
25 subject to the Freedom of Information Act.

26 (f) Licensed attorneys at law of this State, when acting in

1 their professional capacity as an attorney, shall be exempt
2 from this Section.

3 (g) All licenses issued under this Act shall terminate 24
4 months following the date of issuance and may be renewed by
5 providing to the Director satisfactory evidence that the
6 reinsurance intermediary continues to meet the requirements of
7 this Section and upon payment of the fees specified in Section
8 408 of the Illinois Insurance Code.

9 (Source: P.A. 89-97, eff. 7-7-95; revised 9-1-16.)

10 Section 425. The Comprehensive Health Insurance Plan Act is
11 amended by changing Sections 4, 5, and 15 as follows:

12 (215 ILCS 105/4) (from Ch. 73, par. 1304)

13 Sec. 4. Powers and authority of the board. The board shall
14 have the general powers and authority granted under the laws of
15 this State to insurance companies licensed to transact health
16 and accident insurance and in addition thereto, the specific
17 authority to:

18 a. Enter into contracts as are necessary or proper to
19 carry out the provisions and purposes of this Act,
20 including the authority, with the approval of the Director,
21 to enter into contracts with similar plans of other states
22 for the joint performance of common administrative
23 functions, or with persons or other organizations for the
24 performance of administrative functions including, without

1 limitation, utilization review and quality assurance
2 programs, or with health maintenance organizations or
3 preferred provider organizations for the provision of
4 health care services.

5 b. Sue or be sued, including taking any legal actions
6 necessary or proper.

7 c. Take such legal action as necessary to:

8 (1) avoid the payment of improper claims against
9 the plan or the coverage provided by or through the
10 plan;

11 (2) to recover any amounts erroneously or
12 improperly paid by the plan;

13 (3) to recover any amounts paid by the plan as a
14 result of a mistake of fact or law; or

15 (4) to recover or collect any other amounts,
16 including assessments, that are due or owed the Plan or
17 have been billed on its or the Plan's behalf.

18 d. Establish appropriate rates, rate schedules, rate
19 adjustments, expense allowances, agents' referral fees,
20 claim reserves, and formulas and any other actuarial
21 function appropriate to the operation of the plan. Rates
22 and rate schedules may be adjusted for appropriate risk
23 factors such as age and area variation in claim costs and
24 shall take into consideration appropriate risk factors in
25 accordance with established actuarial and underwriting
26 practices.

1 e. Issue policies of insurance in accordance with the
2 requirements of this Act.

3 f. Appoint appropriate legal, actuarial and other
4 committees as necessary to provide technical assistance in
5 the operation of the plan, policy and other contract
6 design, and any other function within the authority of the
7 plan.

8 g. Borrow money to effect the purposes of the Illinois
9 Comprehensive Health Insurance Plan. Any notes or other
10 evidence of indebtedness of the plan not in default shall
11 be legal investments for insurers and may be carried as
12 admitted assets.

13 h. Establish rules, conditions and procedures for
14 reinsuring risks under this Act.

15 i. Employ and fix the compensation of employees. Such
16 employees may be paid on a warrant issued by the State
17 Treasurer pursuant to a payroll voucher certified by the
18 Board and drawn by the Comptroller against appropriations
19 or trust funds held by the State Treasurer.

20 j. Enter into intergovernmental cooperation agreements
21 with other agencies or entities of State government for the
22 purpose of sharing the cost of providing health care
23 services that are otherwise authorized by this Act for
24 children who are both plan participants and eligible for
25 financial assistance from the Division of Specialized Care
26 for Children of the University of Illinois.

1 k. Establish conditions and procedures under which the
2 plan may, if funds permit, discount or subsidize premium
3 rates that are paid directly by senior citizens, as defined
4 by the Board, and other plan participants, who are retired
5 or unemployed and meet other qualifications.

6 l. Establish and maintain the Plan Fund authorized in
7 Section 3 of this Act, which shall be divided into separate
8 accounts, as follows:

9 (1) accounts to fund the administrative, claim,
10 and other expenses of the Plan associated with eligible
11 persons who qualify for Plan coverage under Section 7
12 of this Act, which shall consist of:

13 (A) premiums paid on behalf of covered
14 persons;

15 (B) appropriated funds and other revenues
16 collected or received by the Board;

17 (C) reserves for future losses maintained by
18 the Board; and

19 (D) interest earnings from investment of the
20 funds in the Plan Fund or any of its accounts other
21 than the funds in the account established under
22 item (2) ~~2~~ of this subsection;

23 (2) an account, to be denominated the federally
24 eligible individuals account, to fund the
25 administrative, claim, and other expenses of the Plan
26 associated with federally eligible individuals who

1 qualify for Plan coverage under Section 15 of this Act,
2 which shall consist of:

3 (A) premiums paid on behalf of covered
4 persons;

5 (B) assessments and other revenues collected
6 or received by the Board;

7 (C) reserves for future losses maintained by
8 the Board; ~~and~~

9 (D) interest earnings from investment of the
10 federally eligible individuals account funds; and

11 (E) grants provided pursuant to the federal
12 Trade Act of 2002; and

13 (3) such other accounts as may be appropriate.

14 m. Charge and collect assessments paid by insurers
15 pursuant to Section 12 of this Act and recover any
16 assessments for, on behalf of, or against those insurers.

17 (Source: P.A. 93-33, eff. 6-23-03; 93-34, eff. 6-23-03; revised
18 9-1-16.)

19 (215 ILCS 105/5) (from Ch. 73, par. 1305)

20 Sec. 5. Plan administrator.

21 a. The Board shall select a Plan administrator through a
22 competitive bidding process to administer the Plan. The Board
23 shall evaluate bids submitted under this Section based on
24 criteria established by the Board which shall include:

25 (1) The Plan administrator's proven ability to handle

1 other large group accident and health benefit plans.

2 (2) The efficiency and timeliness of the Plan
3 administrator's claim processing procedures.

4 (3) An estimate of total net cost for administering the
5 Plan, including any discounts or income the Plan could
6 expect to receive or benefit from.

7 (4) The Plan administrator's ability to apply
8 effective cost containment programs and procedures and to
9 administer the Plan in a cost-efficient manner.

10 (5) The financial condition and stability of the Plan
11 administrator.

12 b. The Plan administrator shall serve for a period of 5
13 years subject to removal for cause and subject to the terms,
14 conditions and limitations of the contract between the Board
15 and the Plan administrator. At least one year prior to the
16 expiration of each 5-year ~~5-year~~ period of service by the
17 current Plan administrator, the Board shall begin to advertise
18 for bids to serve as the Plan administrator for the succeeding
19 5-year ~~5-year~~ period. Selection of the Plan administrator for
20 the succeeding period shall be made at least 6 months prior to
21 the end of the current 5-year ~~5-year~~ period. Notwithstanding
22 any other provision of this subsection, the Board at its option
23 may extend the term of a Plan administrator contract for a
24 period not to exceed 3 years.

25 c. The Plan administrator shall perform such functions
26 relating to the Plan as may be assigned to it including:

1 (1) establishment of a premium billing procedure for
2 collection of premiums from Plan participants. Billings
3 shall be made on a periodic basis as determined by the
4 Board;

5 (2) payment and processing of claims and various cost
6 containment functions; and

7 (3) other functions to assure timely payment of
8 benefits to participants under the Plan, including:

9 (a) making available information relating to the
10 proper manner of submitting a claim for benefits under
11 the Plan and distributing forms upon which submissions
12 shall be made, and

13 (b) evaluating the eligibility of each claim for
14 payment under the Plan.

15 The Plan administrator shall be governed by the
16 requirements of Part 919 of Title 50 of the Illinois
17 Administrative Code, promulgated by the Department of
18 Insurance, regarding the handling of claims under this Act.

19 d. The Plan administrator shall submit regular reports to
20 the Board regarding the operation of the Plan. The frequency,
21 content and form of the report shall be as determined by the
22 Board.

23 e. The Plan administrator shall pay or be reimbursed for
24 claims expenses from the premium payments received from or on
25 behalf of Plan participants. If the Plan administrator's
26 payments or reimbursements for claims expenses exceed the

1 portion of premiums allocated by the Board for payment of
2 claims expenses, the Board shall provide additional funds to
3 the Plan administrator for payment or reimbursement of such
4 claims expenses.

5 f. The Plan administrator shall be paid as provided in the
6 contract between the Board and the Plan administrator.

7 (Source: P.A. 97-11, eff. 6-14-11; revised 9-2-16.)

8 (215 ILCS 105/15)

9 Sec. 15. Alternative portable coverage for federally
10 eligible individuals.

11 (a) Notwithstanding the requirements of subsection a ~~a~~ of
12 Section 7 and except as otherwise provided in this Section, any
13 federally eligible individual for whom a Plan application, and
14 such enclosures and supporting documentation as the Board may
15 require, is received by the Board within 90 days after the
16 termination of prior creditable coverage shall qualify to
17 enroll in the Plan under the portability provisions of this
18 Section.

19 A federally eligible person who has been certified as
20 eligible pursuant to the federal Trade Act of 2002 and whose
21 Plan application and enclosures and supporting documentation
22 as the Board may require is received by the Board within 63
23 days after the termination of previous creditable coverage
24 shall qualify to enroll in the Plan under the portability
25 provisions of this Section.

1 (b) Any federally eligible individual seeking Plan
2 coverage under this Section must submit with his or her
3 application evidence, including acceptable written
4 certification of previous creditable coverage, that will
5 establish to the Board's satisfaction, that he or she meets all
6 of the requirements to be a federally eligible individual and
7 is currently and permanently residing in this State (as of the
8 date his or her application was received by the Board).

9 (c) Except as otherwise provided in this Section, a period
10 of creditable coverage shall not be counted, with respect to
11 qualifying an applicant for Plan coverage as a federally
12 eligible individual under this Section, if after such period
13 and before the application for Plan coverage was received by
14 the Board, there was at least a 90-day ~~90-day~~ period during all
15 of which the individual was not covered under any creditable
16 coverage.

17 For a federally eligible person who has been certified as
18 eligible pursuant to the federal Trade Act of 2002, a period of
19 creditable coverage shall not be counted, with respect to
20 qualifying an applicant for Plan coverage as a federally
21 eligible individual under this Section, if after such period
22 and before the application for Plan coverage was received by
23 the Board, there was at least a 63-day ~~63-day~~ period during all
24 of which the individual was not covered under any creditable
25 coverage.

26 (d) Any federally eligible individual who the Board

1 determines qualifies for Plan coverage under this Section shall
2 be offered his or her choice of enrolling in one of alternative
3 portability health benefit plans which the Board is authorized
4 under this Section to establish for these federally eligible
5 individuals and their dependents.

6 (e) The Board shall offer a choice of health care coverages
7 consistent with major medical coverage under the alternative
8 health benefit plans authorized by this Section to every
9 federally eligible individual. The coverages to be offered
10 under the plans, the schedule of benefits, deductibles,
11 co-payments, exclusions, and other limitations shall be
12 approved by the Board. One optional form of coverage shall be
13 comparable to comprehensive health insurance coverage offered
14 in the individual market in this State or a standard option of
15 coverage available under the group or individual health
16 insurance laws of the State. The standard benefit plan that is
17 authorized by Section 8 of this Act may be used for this
18 purpose. The Board may also offer a preferred provider option
19 and such other options as the Board determines may be
20 appropriate for these federally eligible individuals who
21 qualify for Plan coverage pursuant to this Section.

22 (f) Notwithstanding the requirements of subsection f ~~f~~ of
23 Section 8, any Plan coverage that is issued to federally
24 eligible individuals who qualify for the Plan pursuant to the
25 portability provisions of this Section shall not be subject to
26 any preexisting conditions exclusion, waiting period, or other

1 similar limitation on coverage.

2 (g) Federally eligible individuals who qualify and enroll
3 in the Plan pursuant to this Section shall be required to pay
4 such premium rates as the Board shall establish and approve in
5 accordance with the requirements of Section 7.1 of this Act.

6 (h) A federally eligible individual who qualifies and
7 enrolls in the Plan pursuant to this Section must satisfy on an
8 ongoing basis all of the other eligibility requirements of this
9 Act to the extent not inconsistent with the federal Health
10 Insurance Portability and Accountability Act of 1996 in order
11 to maintain continued eligibility for coverage under the Plan.
12 (Source: P.A. 97-333, eff. 8-12-11; revised 9-2-16.)

13 Section 430. The Farm Mutual Insurance Company Act of 1986
14 is amended by changing Section 12 as follows:

15 (215 ILCS 120/12) (from Ch. 73, par. 1262)

16 Sec. 12. Investments. Without the prior approval of the
17 Director, the funds of any company operating under or regulated
18 by the provisions of this Act, shall be invested only in the
19 following:

20 (1) Direct obligations of the United States of America,
21 or obligations of agencies or instrumentalities of the
22 United States to the extent guaranteed or insured as to the
23 payment of principal and interest by the United States of
24 America;

1 (2) Bonds which are direct, general obligations of the
2 State of Illinois or any other state, subject to a maximum
3 of 30% of admitted assets in states other than Illinois in
4 the aggregate;

5 (3) Bonds which are direct, general obligations of
6 political subdivisions of the State of Illinois or any
7 other state, subject to the following conditions:

8 (a) Maximum of 5% of admitted assets in any one
9 political subdivision;

10 (b) Maximum of 30% of admitted assets in all
11 political subdivisions in the aggregate;

12 (c) Rating of A3 or higher by Moody's Investors
13 Service, Inc. or A- or higher by Standard & Poor's
14 Corporation;

15 (4) Bonds, notes, debentures, or other similar
16 obligations of the United States of America, its agencies,
17 and its instrumentalities, subject to a maximum investment
18 of 10% of admitted assets in any one issuer;

19 (5) Bonds that are obligations of corporations
20 organized by the United States of America, subject to the
21 following conditions:

22 (a) Maximum of 5% of admitted assets in any one
23 issuer;

24 (b) Maximum of 15% of admitted assets in the
25 aggregate;

26 (c) Rating of A3 or higher by Moody's Investors

1 Service, Inc. or A- or higher by Standard & Poor's
2 Corporation;

3 (d) Maximum maturity of no longer than ~~that~~ 10
4 years;

5 (6) Mutual funds, unit investment trusts, and exchange
6 traded funds, subject to the following conditions:

7 (a) Maximum of 6% of policyholders' surplus in any
8 one balanced or growth mutual fund that invests in
9 common stock;

10 (b) Maximum of 5% of admitted assets in any one
11 bond or income mutual fund or any one non-governmental
12 money market mutual fund;

13 (c) Maximum of 10% of admitted assets in any one
14 governmental money market mutual fund;

15 (d) Maximum of 25% of admitted assets in all mutual
16 funds in the aggregate;

17 (7) Common stock and preferred stock subject to the
18 following conditions:

19 (a) Common stock and preferred stock shall be
20 traded on the New York Stock Exchange or the American
21 Stock Exchange or listed on the National Association of
22 Securities Dealers Automated Quotation (NASDAQ)
23 system;

24 (b) Maximum of 3% of policyholders' surplus in
25 excess of \$400,000 in any one common stock or preferred
26 stock issuer provided that the net unearned premium

1 reserve does not exceed policyholders' surplus;

2 (8) Investments authorized under subdivision (a) of
3 item (6) and subdivision (a) of item (7) of this Section
4 shall not in the aggregate exceed 15% of policyholders'
5 surplus;

6 (9) Funds on deposit in solvent banks and savings and
7 loan associations which are insured by the Federal Deposit
8 Insurance Corporation; however, the uninsured portion of
9 funds held in any one such bank or association shall not
10 exceed 5% of the company's policyholders' surplus;

11 (10) Real estate for home office building purposes,
12 provided that such investments are approved by the Director
13 of Insurance on the basis of a showing by the company that
14 the company has adequate assets available for such
15 investment and that the proposed acquisition does not
16 exceed the reasonable normal value of such property;

17 (11) Amounts in excess of the investment limitations
18 contained in items (2) through (9) may be allowed, subject
19 to the following conditions:

20 (a) Maximum additional investment of 3% of
21 admitted assets in any one issuer;

22 (b) Maximum additional investment of 6% of
23 admitted assets in the aggregate.

24 An investment that qualified under this Section at the time
25 it was acquired by the company shall continue to qualify under
26 this Section.

1 Investments permitted under this Section shall be
2 registered in the name of the company and under its direct
3 control or shall be held in a custodial account with a bank or
4 trust company that is qualified to administer trusts in
5 Illinois under the Corporate Fiduciary Act and that has an
6 office in Illinois. However, securities may be held in street
7 form and in the custody of a licensed dealer for a period not
8 to exceed 30 days.

9 Notwithstanding the provisions of this Act, the Director
10 may, after notice and hearing, order a company to limit or
11 withdraw from certain investments or discontinue certain
12 investments or investment practices to the extent the Director
13 finds those investments or investment practices endanger the
14 solvency of the company.

15 (Source: P.A. 98-823, eff. 1-1-15; revised 9-2-16.)

16 Section 435. The Health Maintenance Organization Act is
17 amended by changing Section 4-10 as follows:

18 (215 ILCS 125/4-10) (from Ch. 111 1/2, par. 1409.3)

19 Sec. 4-10. Medical necessity; dispute resolution;
20 independent second opinion. ~~(a) Medical Necessity — Dispute~~
21 ~~Resolution — Independent Second Opinion.~~ Each Health Maintenance
22 Organization shall provide a mechanism for the timely review by
23 a physician holding the same class of license as the primary
24 care physician, who is unaffiliated with the Health Maintenance

1 Organization, jointly selected by the patient (or the patient's
2 next of kin or legal representative if the patient is unable to
3 act for himself), primary care physician and the Health
4 Maintenance Organization in the event of a dispute between the
5 primary care physician and the Health Maintenance Organization
6 regarding the medical necessity of a covered service proposed
7 by a primary care physician. In the event that the reviewing
8 physician determines the covered service to be medically
9 necessary, the Health Maintenance Organization shall provide
10 the covered service. Future contractual or employment action by
11 the Health Maintenance Organization regarding the primary care
12 physician shall not be based solely on the physician's
13 participation in this procedure.

14 (Source: P.A. 85-20; 85-850; revised 10-5-16.)

15 Section 440. The Limited Health Service Organization Act is
16 amended by changing Sections 4003 and 4006 as follows:

17 (215 ILCS 130/4003) (from Ch. 73, par. 1504-3)

18 Sec. 4003. Illinois Insurance Code provisions. Limited
19 health service organizations shall be subject to the provisions
20 of Sections 133, 134, 136, 137, 139, 140, 141.1, 141.2, 141.3,
21 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6,
22 154.7, 154.8, 155.04, 155.37, 355.2, 355.3, 355b, 356v,
23 356z.10, 356z.21, 356z.22, 368a, 401, 401.1, 402, 403, 403A,
24 408, 408.2, 409, 412, 444, and 444.1 and Articles IIA, VIII

1 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the
2 Illinois Insurance Code. For purposes of the Illinois Insurance
3 Code, except for Sections 444 and 444.1 and Articles XIII and
4 XIII 1/2, limited health service organizations in the following
5 categories are deemed to be domestic companies:

6 (1) a corporation under the laws of this State; or

7 (2) a corporation organized under the laws of another
8 state, 30% or ~~of~~ more of the enrollees of which are
9 residents of this State, except a corporation subject to
10 substantially the same requirements in its state of
11 organization as is a domestic company under Article VIII
12 1/2 of the Illinois Insurance Code.

13 (Source: P.A. 97-486, eff. 1-1-12; 97-592, 1-1-12; 97-805, eff.
14 1-1-13; 97-813, eff. 7-13-12; 98-189, eff. 1-1-14; 98-1091,
15 eff. 1-1-15; revised 10-5-16.)

16 (215 ILCS 130/4006) (from Ch. 73, par. 1504-6)

17 Sec. 4006. Supervision of rehabilitation, liquidation or
18 conservation by the Director.

19 (a) For purposes of the rehabilitation, liquidation or
20 conservation of a limited health service organization, the
21 operation of a limited health service organization in this
22 State constitutes a form of insurance protection which should
23 be governed by the same provisions governing the
24 rehabilitation, liquidation or conservation of insurance
25 companies. Any rehabilitation, liquidation or conservation of

1 a limited health service organization shall be based upon the
2 grounds set forth in and subject to the provisions of the laws
3 of this State regarding the rehabilitation, liquidation or
4 conservation of an insurance company and shall be conducted
5 under the supervision of the Director. Insolvency, as a ground
6 for rehabilitation, liquidation or conservation of a limited
7 health service organization, shall be recognized when a limited
8 health service organization cannot be expected to satisfy its
9 financial obligations when such obligations are to become due
10 or when the limited health service organization has neglected
11 to correct, within the time prescribed by subsection (c) of
12 Section 2004, a deficiency occurring due to such organization's
13 prescribed minimum net worth being impaired. For purpose of
14 determining the priority of distribution of general assets,
15 claims of enrollees and enrollees' beneficiaries shall have the
16 same priority as established by Section 205 of the Illinois
17 Insurance Code, for policyholders and beneficiaries of
18 insureds of insurance companies. If an enrollee is liable to
19 any provider for services provided pursuant to and covered by
20 the limited health care plan, that liability shall have the
21 status of an enrollee claim for distribution of general assets.

22 Any provider who is obligated by statute or agreement to
23 hold enrollees harmless from liability for services provided
24 pursuant to and covered by a limited health care plan shall
25 have a priority of distribution of the general assets
26 immediately following that of enrollees and enrollees'

1 beneficiaries as described herein, and immediately preceding
2 the priority of distribution described in paragraph (e) of
3 subsection (1) of Section 205 of the Illinois Insurance Code.

4 (b) For purposes of Articles XIII and XIII 1/2 of the
5 Illinois Insurance Code, organizations in the following
6 categories shall be deemed to be a domestic company and a
7 domiciliary company:

8 (1) a corporation organized under the laws of this
9 State; or

10 (2) a corporation organized under the laws of another
11 state, 20% or more of the enrollees of which are residents
12 of this State, except where such a corporation is, in its
13 state of incorporation, subject to rehabilitation,
14 liquidation and conservation under the laws relating to
15 insurance companies.

16 (Source: P.A. 89-206, eff. 7-21-95; revised 10-5-16.)

17 Section 445. The Viatical Settlements Act of 2009 is
18 amended by changing Section 15 as follows:

19 (215 ILCS 159/15)

20 Sec. 15. License revocation for viatical settlement
21 providers.

22 (a) The Director may refuse to issue or renew or may
23 suspend or revoke the license of any viatical settlement
24 provider if the Director finds any of the following:

1 (1) there was any material misrepresentation in the
2 application for the license;

3 (2) the viatical settlement provider or any officer,
4 partner, member, or controlling person uses fraudulent or
5 dishonest practices or is otherwise shown to be
6 untrustworthy, incompetent, or financially irresponsible
7 in this State or elsewhere;

8 (3) the viatical settlement provider demonstrates a
9 pattern of unreasonable payments to viators;

10 (4) the viatical settlement provider or any officer,
11 partner, member, or controlling person has violated any
12 insurance laws or any rule, subpoena, or order of the
13 Director or of another state's chief insurance regulatory
14 official or is subject to a final administrative action
15 brought by the Director or by the Illinois Secretary of
16 State or by another state's chief insurance regulatory
17 official or chief securities regulatory official;

18 (5) the viatical settlement provider has used a
19 viatical settlement contract that has not been approved
20 pursuant to this Act;

21 (6) the viatical settlement provider has failed to
22 honor contractual obligations set out in a viatical
23 settlement contract;

24 (7) the viatical settlement provider no longer meets
25 the requirements for initial licensure;

26 (8) the viatical settlement provider has assigned,

1 transferred, or pledged a purchased policy to a person
2 other than a viatical settlement provider licensed in this
3 State, a viatical settlement purchaser, a financing
4 entity, a special purpose entity, or a related provider
5 trust; or

6 (9) the viatical settlement provider or any officer,
7 partner, member, or controlling person of the viatical
8 settlement provider has violated any of the provisions of
9 this Act.

10 (b) If the Director denies a viatical settlement provider
11 license application or suspends, revokes, or refuses to renew
12 the license of a viatical settlement provider, the Director
13 shall notify the applicant or viatical settlement provider and
14 advise, in writing, the applicant or viatical settlement
15 provider of the reason for the suspension, revocation, denial,
16 or nonrenewal of the applicant's or licensee's license. The
17 applicant or viatical settlement provider may make a written
18 demand upon the Director within 30 days after the date of
19 mailing for a hearing before the Director to determine the
20 reasonableness of the Director's action. The hearing must be
21 held within not fewer than 20 days nor more than 30 days after
22 the mailing of the notice of hearing and shall be held in
23 accordance with the Illinois Administrative Procedure Act and
24 50 Ill. Adm. Code 2402 ~~Section 2402 of Chapter 50 of the~~
25 ~~Illinois Administrative Code.~~

26 (Source: P.A. 96-736, eff. 7-1-10; revised 9-13-16.)

1 Section 450. The Public Utilities Act is amended by
2 changing Section 13-703 as follows:

3 (220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)

4 (Section scheduled to be repealed on July 1, 2017)

5 Sec. 13-703. (a) The Commission shall design and implement
6 a program whereby each telecommunications carrier providing
7 local exchange service shall provide a telecommunications
8 device capable of servicing the needs of those persons with a
9 hearing or speech disability together with a single party line,
10 at no charge additional to the basic exchange rate, to any
11 subscriber who is certified as having a hearing or speech
12 disability by a hearing care professional, as defined in the
13 Hearing Instrument Consumer Protection Act, a speech-language
14 pathologist, or a qualified State agency and to any subscriber
15 which is an organization serving the needs of those persons
16 with a hearing or speech disability as determined and specified
17 by the Commission pursuant to subsection (d).

18 (b) The Commission shall design and implement a program,
19 whereby each telecommunications carrier providing local
20 exchange service shall provide a telecommunications relay
21 system, using third party intervention to connect those persons
22 having a hearing or speech disability with persons of normal
23 hearing by way of intercommunications devices and the telephone
24 system, making available reasonable access to all phases of

1 public telephone service to persons who have a hearing or
2 speech disability. In order to design a telecommunications
3 relay system which will meet the requirements of those persons
4 with a hearing or speech disability available at a reasonable
5 cost, the Commission shall initiate an investigation and
6 conduct public hearings to determine the most cost-effective
7 method of providing telecommunications relay service to those
8 persons who have a hearing or speech disability when using
9 telecommunications devices and therein solicit the advice,
10 counsel, and physical assistance of Statewide nonprofit
11 consumer organizations that serve persons with hearing or
12 speech disabilities in such hearings and during the development
13 and implementation of the system. The Commission shall phase in
14 this program, on a geographical basis, as soon as is
15 practicable, but no later than June 30, 1990.

16 (c) The Commission shall establish a competitively neutral
17 rate recovery mechanism that establishes charges in an amount
18 to be determined by the Commission for each line of a
19 subscriber to allow telecommunications carriers providing
20 local exchange service to recover costs as they are incurred
21 under this Section. Beginning no later than April 1, 2016, and
22 on a yearly basis thereafter, the Commission shall initiate a
23 proceeding to establish the competitively neutral amount to be
24 charged or assessed to subscribers of telecommunications
25 carriers and wireless carriers, Interconnected VoIP service
26 providers, and consumers of prepaid wireless

1 telecommunications service in a manner consistent with this
2 subsection (c) and subsection (f) of this Section. The
3 Commission shall issue its order establishing the
4 competitively neutral amount to be charged or assessed to
5 subscribers of telecommunications carriers and wireless
6 carriers, Interconnected VoIP service providers, and
7 purchasers of prepaid wireless telecommunications service on
8 or prior to June 1 of each year, and such amount shall take
9 effect June 1 of each year.

10 Telecommunications carriers, wireless carriers,
11 Interconnected VoIP service providers, and sellers of prepaid
12 wireless telecommunications service shall have 60 days from the
13 date the Commission files its order to implement the new rate
14 established by the order.

15 (d) The Commission shall determine and specify those
16 organizations serving the needs of those persons having a
17 hearing or speech disability that shall receive a
18 telecommunications device and in which offices the equipment
19 shall be installed in the case of an organization having more
20 than one office. For the purposes of this Section,
21 "organizations serving the needs of those persons with hearing
22 or speech disabilities" means centers for independent living as
23 described in Section 12a of the Rehabilitation of Persons with
24 Disabilities Act and not-for-profit organizations whose
25 primary purpose is serving the needs of those persons with
26 hearing or speech disabilities. The Commission shall direct the

1 telecommunications carriers subject to its jurisdiction and
2 this Section to comply with its determinations and
3 specifications in this regard.

4 (e) As used in this Section:

5 "Prepaid wireless telecommunications service" has the
6 meaning given to that term under Section 10 of the Prepaid
7 Wireless 9-1-1 Surcharge Act.

8 "Retail transaction" has the meaning given to that term
9 under Section 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

10 "Seller" has the meaning given to that term under Section
11 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

12 "Telecommunications carrier providing local exchange
13 service" includes, without otherwise limiting the meaning of
14 the term, telecommunications carriers which are purely mutual
15 concerns, having no rates or charges for services, but paying
16 the operating expenses by assessment upon the members of such a
17 company and no other person.

18 "Wireless carrier" has the meaning given to that term under
19 Section 10 of the Wireless Emergency Telephone Safety Act.

20 (f) Interconnected VoIP service providers, sellers of
21 prepaid wireless telecommunications service, and wireless
22 carriers in Illinois shall collect and remit assessments
23 determined in accordance with this Section in a competitively
24 neutral manner in the same manner as a telecommunications
25 carrier providing local exchange service. However, the
26 assessment imposed on consumers of prepaid wireless

1 telecommunications service shall be collected by the seller
2 from the consumer and imposed per retail transaction as a
3 percentage of that retail transaction on all retail
4 transactions occurring in this State. The assessment on
5 subscribers of wireless carriers and consumers of prepaid
6 wireless telecommunications service shall not be imposed or
7 collected prior to June 1, 2016.

8 Sellers of prepaid wireless telecommunications service
9 shall remit the assessments to the Department of Revenue on the
10 same form and in the same manner which they remit the fee
11 collected under the Prepaid Wireless 9-1-1 Surcharge Act. For
12 the purposes of display on the consumers' receipts, the rates
13 of the fee collected under the Prepaid Wireless 9-1-1 Surcharge
14 Act and the assessment under this Section may be combined. In
15 administration and enforcement of this Section, the provisions
16 of Sections 15 and 20 of the Prepaid Wireless 9-1-1 Surcharge
17 Act (except subsections (a), (a-5), (b-5), (e), and (e-5) of
18 Section 15 and subsections (c) and (e) of Section 20 of the
19 Prepaid Wireless 9-1-1 Surcharge Act and, from June 29, 2015
20 (the effective date of Public Act 99-6), the seller shall be
21 permitted to deduct and retain 3% of the assessments that are
22 collected by the seller from consumers and that are remitted
23 and timely filed with the Department) that are not inconsistent
24 with this Section, shall apply, as far as practicable, to the
25 subject matter of this Section to the same extent as if those
26 provisions were included in this Section. The Department shall

1 deposit all assessments and penalties collected under this
2 Section into the Illinois Telecommunications Access
3 Corporation Fund, a special fund created in the State treasury.
4 On or before the 25th day of each calendar month, the
5 Department shall prepare and certify to the Comptroller the
6 amount available to the Commission for distribution out of the
7 Illinois Telecommunications Access Corporation Fund. The
8 amount certified shall be the amount (not including credit
9 memoranda) collected during the second preceding calendar
10 month by the Department, plus an amount the Department
11 determines is necessary to offset any amounts which were
12 erroneously paid to a different taxing body or fund. The amount
13 paid to the Illinois Telecommunications Access Corporation
14 Fund shall not include any amount equal to the amount of
15 refunds made during the second preceding calendar month by the
16 Department to retailers under this Section or any amount that
17 the Department determines is necessary to offset any amounts
18 which were payable to a different taxing body or fund but were
19 erroneously paid to the Illinois Telecommunications Access
20 Corporation Fund. The Commission shall distribute all the funds
21 to the Illinois Telecommunications Access Corporation and the
22 funds may only be used in accordance with the provisions of
23 this Section. The Department shall deduct 2% of all amounts
24 deposited in the Illinois Telecommunications Access
25 Corporation Fund during every year of remitted assessments. Of
26 the 2% deducted by the Department, one-half shall be

1 transferred into the Tax Compliance and Administration Fund to
2 reimburse the Department for its direct costs of administering
3 the collection and remittance of the assessment. The remaining
4 one-half shall be transferred into the Public Utilities Fund to
5 reimburse the Commission for its costs of distributing to the
6 Illinois Telecommunications Access Corporation the amount
7 certified by the Department for distribution. The amount to be
8 charged or assessed under subsections (c) and (f) is not
9 imposed on a provider or the consumer for wireless Lifeline
10 service where the consumer does not pay the provider for the
11 service. Where the consumer purchases from the provider
12 optional minutes, texts, or other services in addition to the
13 federally funded Lifeline benefit, a consumer must pay the
14 charge or assessment, and it must be collected by the seller
15 according to this subsection (f).

16 Interconnected VoIP services shall not be considered an
17 intrastate telecommunications service for the purposes of this
18 Section in a manner inconsistent with federal law or Federal
19 Communications Commission regulation.

20 (g) The provisions of this Section are severable under
21 Section 1.31 of the Statute on Statutes.

22 (h) The Commission may adopt rules necessary to implement
23 this Section.

24 (Source: P.A. 99-6, eff. 6-29-15; 99-143, eff. 7-27-15; 99-642,
25 eff. 7-28-16; 99-847, eff. 8-19-16; revised 10-25-16.)

1 Section 455. The Child Care Act of 1969 is amended by
2 changing Sections 2.09, 7, and 14.6 as follows:

3 (225 ILCS 10/2.09) (from Ch. 23, par. 2212.09)

4 Sec. 2.09. "Day care center" means any child care facility
5 which regularly provides day care for less than 24 hours per
6 day for (1) more than 8 children in a family home, or (2) more
7 than 3 children in a facility other than a family home,
8 including senior citizen buildings.

9 The term does not include:

10 (a) programs operated by (i) public or private
11 elementary school systems or secondary level school units
12 or institutions of higher learning that serve children who
13 shall have attained the age of 3 years or (ii) private
14 entities on the grounds of public or private elementary or
15 secondary schools and that serve children who have attained
16 the age of 3 years, except that this exception applies only
17 to the facility and not to the private entities' personnel
18 operating the program;

19 (b) programs or that portion of the program which
20 serves children who shall have attained the age of 3 years
21 and which are recognized by the State Board of Education;

22 (c) educational program or programs serving children
23 who shall have attained the age of 3 years and which are
24 operated by a school which is registered with the State
25 Board of Education and which is recognized or accredited by

1 a recognized national or multistate educational
2 organization or association which regularly recognizes or
3 accredits schools;

4 (d) programs which exclusively serve or that portion of
5 the program which serves children with disabilities who
6 shall have attained the age of 3 years but are less than 21
7 years of age and which are registered and approved as
8 meeting standards of the State Board of Education and
9 applicable fire marshal standards;

10 (e) facilities operated in connection with a shopping
11 center or service, religious services, or other similar
12 facility, where transient children are cared for
13 temporarily while parents or custodians of the children are
14 occupied on the premises and readily available;

15 (f) any type of day care center that is conducted on
16 federal government premises;

17 (g) special activities programs, including athletics,
18 crafts instruction, and similar activities conducted on an
19 organized and periodic basis by civic, charitable and
20 governmental organizations;

21 (h) part day child care facilities, as defined in
22 Section 2.10 of this Act;

23 (i) programs or that portion of the program which:

24 (1) serves children who shall have attained the age
25 of 3 years;

26 (2) is operated by churches or religious

1 institutions as described in Section 501(c)(3) of the
2 federal Internal Revenue Code;IT

3 (3) receives no governmental aid;IT

4 (4) is operated as a component of a religious,
5 nonprofit elementary school;IT

6 (5) operates primarily to provide religious
7 education;IT and

8 (6) meets appropriate State or local health and
9 fire safety standards; or

10 (j) programs or portions of programs that:

11 (1) serve only school-age children and youth
12 (defined as full-time kindergarten children, as
13 defined in 89 Ill. Adm. Code 407.45, or older);IT

14 (2) are organized to promote childhood learning,
15 child and youth development, educational or
16 recreational activities, or character-building;IT

17 (3) operate primarily during out-of-school time or
18 at times when school is not normally in session;IT

19 (4) comply with the standards of the Illinois
20 Department of Public Health (77 Ill. Adm. Code 750) or
21 the local health department, the Illinois State Fire
22 Marshal (41 Ill. Adm. Code 100), and the following
23 additional health and safety requirements: procedures
24 for employee and volunteer emergency preparedness and
25 practice drills; procedures to ensure that first aid
26 kits are maintained and ready to use; the placement of

1 a minimum level of liability insurance as determined by
2 the Department; procedures for the availability of a
3 working telephone that is onsite and accessible at all
4 times; procedures to ensure that emergency phone
5 numbers are posted onsite; and a restriction on handgun
6 or weapon possession onsite, except if possessed by a
7 peace officer;IT

8 (5) perform and maintain authorization and results
9 of criminal history checks through the Illinois State
10 Police and FBI and checks of the Illinois Sex Offender
11 Registry, the National Sex Offender Registry, and
12 Child Abuse and Neglect Tracking System for employees
13 and volunteers who work directly with children;IT

14 (6) make hiring decisions in accordance with the
15 prohibitions against barrier crimes as specified in
16 Section 4.2 of this Act or in Section 21B-80 of the
17 School Code;IT

18 (7) provide parents with written disclosure that
19 the operations of the program are not regulated by
20 licensing requirements;IT and

21 (8) obtain and maintain records showing the first
22 and last name and date of birth of the child, name,
23 address, and telephone number of each parent,
24 emergency contact information, and written
25 authorization for medical care.

26 Programs or portions of programs requesting Child Care

1 Assistance Program (CCAP) funding and otherwise meeting the
2 requirements under item (j) shall request exemption from the
3 Department and be determined exempt prior to receiving funding
4 and must annually meet the eligibility requirements and be
5 appropriate for payment under the CCAP.

6 Programs or portions of programs under item (j) that do not
7 receive State or federal funds must comply with staff
8 qualification and training standards established by rule by the
9 Department of Human Services. The Department of Human Services
10 shall set such standards after review of Afterschool for
11 Children and Teens Now (ACT Now) evidence-based quality
12 standards developed for school-age out-of-school time
13 programs, feedback from the school-age out-of-school time
14 program professionals, and review of out-of-school time
15 professional development frameworks and quality tools.

16 Out-of-school time programs for school-age youth that
17 receive State or federal funds must comply with only those
18 staff qualifications and training standards set for the program
19 by the State or federal entity issuing the funds.

20 For purposes of items (a), (b), (c), (d), and (i) of this
21 Section, "children who shall have attained the age of 3 years"
22 shall mean children who are 3 years of age, but less than 4
23 years of age, at the time of enrollment in the program.

24 (Source: P.A. 99-143, eff. 7-27-15; 99-699, eff. 7-29-16;
25 revised 10-27-16.)

1 (225 ILCS 10/7) (from Ch. 23, par. 2217)

2 Sec. 7. (a) The Department must prescribe and publish
3 minimum standards for licensing that apply to the various types
4 of facilities for child care defined in this Act and that are
5 equally applicable to like institutions under the control of
6 the Department and to foster family homes used by and under the
7 direct supervision of the Department. The Department shall seek
8 the advice and assistance of persons representative of the
9 various types of child care facilities in establishing such
10 standards. The standards prescribed and published under this
11 Act take effect as provided in the Illinois Administrative
12 Procedure Act, and are restricted to regulations pertaining to
13 the following matters and to any rules and regulations required
14 or permitted by any other Section of this Act:

15 (1) The operation and conduct of the facility and
16 responsibility it assumes for child care;

17 (2) The character, suitability and qualifications of
18 the applicant and other persons directly responsible for
19 the care and welfare of children served. All child day care
20 center licensees and employees who are required to report
21 child abuse or neglect under the Abused and Neglected Child
22 Reporting Act shall be required to attend training on
23 recognizing child abuse and neglect, as prescribed by
24 Department rules;

25 (3) The general financial ability and competence of the
26 applicant to provide necessary care for children and to

1 maintain prescribed standards;

2 (4) The number of individuals or staff required to
3 insure adequate supervision and care of the children
4 received. The standards shall provide that each child care
5 institution, maternity center, day care center, group
6 home, day care home, and group day care home shall have on
7 its premises during its hours of operation at least one
8 staff member certified in first aid, in the Heimlich
9 maneuver and in cardiopulmonary resuscitation by the
10 American Red Cross or other organization approved by rule
11 of the Department. Child welfare agencies shall not be
12 subject to such a staffing requirement. The Department may
13 offer, or arrange for the offering, on a periodic basis in
14 each community in this State in cooperation with the
15 American Red Cross, the American Heart Association or other
16 appropriate organization, voluntary programs to train
17 operators of foster family homes and day care homes in
18 first aid and cardiopulmonary resuscitation;

19 (5) The appropriateness, safety, cleanliness, and
20 general adequacy of the premises, including maintenance of
21 adequate fire prevention and health standards conforming
22 to State laws and municipal codes to provide for the
23 physical comfort, care, and well-being of children
24 received;

25 (6) Provisions for food, clothing, educational
26 opportunities, program, equipment and individual supplies

1 to assure the healthy physical, mental, and spiritual
2 development of children served;

3 (7) Provisions to safeguard the legal rights of
4 children served;

5 (8) Maintenance of records pertaining to the
6 admission, progress, health, and discharge of children,
7 including, for day care centers and day care homes, records
8 indicating each child has been immunized as required by
9 State regulations. The Department shall require proof that
10 children enrolled in a facility have been immunized against
11 Haemophilus Influenzae B (HIB);

12 (9) Filing of reports with the Department;

13 (10) Discipline of children;

14 (11) Protection and fostering of the particular
15 religious faith of the children served;

16 (12) Provisions prohibiting firearms on day care
17 center premises except in the possession of peace officers;

18 (13) Provisions prohibiting handguns on day care home
19 premises except in the possession of peace officers or
20 other adults who must possess a handgun as a condition of
21 employment and who reside on the premises of a day care
22 home;

23 (14) Provisions requiring that any firearm permitted
24 on day care home premises, except handguns in the
25 possession of peace officers, shall be kept in a
26 disassembled state, without ammunition, in locked storage,

1 inaccessible to children and that ammunition permitted on
2 day care home premises shall be kept in locked storage
3 separate from that of disassembled firearms, inaccessible
4 to children;

5 (15) Provisions requiring notification of parents or
6 guardians enrolling children at a day care home of the
7 presence in the day care home of any firearms and
8 ammunition and of the arrangements for the separate, locked
9 storage of such firearms and ammunition; ~~and~~

10 (16) Provisions requiring all licensed child care
11 facility employees who care for newborns and infants to
12 complete training every 3 years on the nature of sudden
13 unexpected infant death (SUID), sudden infant death
14 syndrome (SIDS), and the safe sleep recommendations of the
15 American Academy of Pediatrics; and-

16 (17) With respect to foster family homes, provisions
17 requiring the Department to review quality of care concerns
18 and to consider those concerns in determining whether a
19 foster family home is qualified to care for children.

20 (b) If, in a facility for general child care, there are
21 children diagnosed as mentally ill or children diagnosed as
22 having an intellectual or physical disability, who are
23 determined to be in need of special mental treatment or of
24 nursing care, or both mental treatment and nursing care, the
25 Department shall seek the advice and recommendation of the
26 Department of Human Services, the Department of Public Health,

1 or both Departments regarding the residential treatment and
2 nursing care provided by the institution.

3 (c) The Department shall investigate any person applying to
4 be licensed as a foster parent to determine whether there is
5 any evidence of current drug or alcohol abuse in the
6 prospective foster family. The Department shall not license a
7 person as a foster parent if drug or alcohol abuse has been
8 identified in the foster family or if a reasonable suspicion of
9 such abuse exists, except that the Department may grant a
10 foster parent license to an applicant identified with an
11 alcohol or drug problem if the applicant has successfully
12 participated in an alcohol or drug treatment program, self-help
13 group, or other suitable activities and if the Department
14 determines that the foster family home can provide a safe,
15 appropriate environment and meet the physical and emotional
16 needs of children.

17 (d) The Department, in applying standards prescribed and
18 published, as herein provided, shall offer consultation
19 through employed staff or other qualified persons to assist
20 applicants and licensees in meeting and maintaining minimum
21 requirements for a license and to help them otherwise to
22 achieve programs of excellence related to the care of children
23 served. Such consultation shall include providing information
24 concerning education and training in early childhood
25 development to providers of day care home services. The
26 Department may provide or arrange for such education and

1 training for those providers who request such assistance.

2 (e) The Department shall distribute copies of licensing
3 standards to all licensees and applicants for a license. Each
4 licensee or holder of a permit shall distribute copies of the
5 appropriate licensing standards and any other information
6 required by the Department to child care facilities under its
7 supervision. Each licensee or holder of a permit shall maintain
8 appropriate documentation of the distribution of the
9 standards. Such documentation shall be part of the records of
10 the facility and subject to inspection by authorized
11 representatives of the Department.

12 (f) The Department shall prepare summaries of day care
13 licensing standards. Each licensee or holder of a permit for a
14 day care facility shall distribute a copy of the appropriate
15 summary and any other information required by the Department,
16 to the legal guardian of each child cared for in that facility
17 at the time when the child is enrolled or initially placed in
18 the facility. The licensee or holder of a permit for a day care
19 facility shall secure appropriate documentation of the
20 distribution of the summary and brochure. Such documentation
21 shall be a part of the records of the facility and subject to
22 inspection by an authorized representative of the Department.

23 (g) The Department shall distribute to each licensee and
24 holder of a permit copies of the licensing or permit standards
25 applicable to such person's facility. Each licensee or holder
26 of a permit shall make available by posting at all times in a

1 common or otherwise accessible area a complete and current set
2 of licensing standards in order that all employees of the
3 facility may have unrestricted access to such standards. All
4 employees of the facility shall have reviewed the standards and
5 any subsequent changes. Each licensee or holder of a permit
6 shall maintain appropriate documentation of the current review
7 of licensing standards by all employees. Such records shall be
8 part of the records of the facility and subject to inspection
9 by authorized representatives of the Department.

10 (h) Any standards involving physical examinations,
11 immunization, or medical treatment shall include appropriate
12 exemptions for children whose parents object thereto on the
13 grounds that they conflict with the tenets and practices of a
14 recognized church or religious organization, of which the
15 parent is an adherent or member, and for children who should
16 not be subjected to immunization for clinical reasons.

17 (i) The Department, in cooperation with the Department of
18 Public Health, shall work to increase immunization awareness
19 and participation among parents of children enrolled in day
20 care centers and day care homes by publishing on the
21 Department's website information about the benefits of
22 immunization against vaccine preventable diseases, including
23 influenza and pertussis. The information for vaccine
24 preventable diseases shall include the incidence and severity
25 of the diseases, the availability of vaccines, and the
26 importance of immunizing children and persons who frequently

1 have close contact with children. The website content shall be
2 reviewed annually in collaboration with the Department of
3 Public Health to reflect the most current recommendations of
4 the Advisory Committee on Immunization Practices (ACIP). The
5 Department shall work with day care centers and day care homes
6 licensed under this Act to ensure that the information is
7 annually distributed to parents in August or September.

8 (j) Any standard adopted by the Department that requires an
9 applicant for a license to operate a day care home to include a
10 copy of a high school diploma or equivalent certificate with
11 his or her application shall be deemed to be satisfied if the
12 applicant includes a copy of a high school diploma or
13 equivalent certificate or a copy of a degree from an accredited
14 institution of higher education or vocational institution or
15 equivalent certificate.

16 (Source: P.A. 98-817, eff. 1-1-15; 99-143, eff. 7-27-15;
17 99-779, eff. 1-1-17; revised 10-27-16.)

18 (225 ILCS 10/14.6)

19 Sec. 14.6. Agency payment of salaries or other
20 compensation.

21 (a) A licensed child welfare agency may pay salaries or
22 other compensation to its officers, employees, agents,
23 contractors, or any other persons acting on its behalf for
24 providing adoption services, provided that all of the following
25 limitations apply:

1 (1) The fees, wages, salaries, or other compensation of
2 any description paid to the officers, employees,
3 contractors, or any other person acting on behalf of a
4 child welfare agency providing adoption services shall not
5 be unreasonably high in relation to the services actually
6 rendered. Every form of compensation shall be taken into
7 account in determining whether fees, wages, salaries, or
8 compensation are unreasonably high, including, but not
9 limited to, salary, bonuses, deferred and non-cash
10 compensation, retirement funds, medical and liability
11 insurance, loans, and other benefits such as the use,
12 purchase, or lease of vehicles, expense accounts, and food,
13 housing, and clothing allowances.

14 (2) Any earnings, if applicable, or compensation paid
15 to the child welfare agency's directors, stockholders, or
16 members of its governing body shall not be unreasonably
17 high in relation to the services rendered.

18 (3) Persons providing adoption services for a child
19 welfare agency may be compensated only for services
20 actually rendered and only on a fee-for-service, hourly
21 wage, or salary basis.

22 (b) The Department may adopt rules setting forth the
23 criteria to determine what constitutes unreasonably high fees
24 and compensation as those terms are used in this Section. In
25 determining the reasonableness of fees, wages, salaries, and
26 compensation under paragraphs (1) and (2) of subsection (a) of

1 this Section, the Department shall take into account the
2 location, number, and qualifications of staff, workload
3 requirements, budget, and size of the agency or person and
4 available norms for compensation within the adoption
5 community. Every licensed child welfare agency providing
6 adoption services shall provide the Department and the Attorney
7 General with a report, on an annual basis, providing a
8 description of the fees, wages, salaries and other compensation
9 described in paragraphs (1), (2), and (3) of subsection (a) of
10 this Section. Nothing in Section 12C-70 of the Criminal Code of
11 2012 shall be construed to prevent a child welfare agency from
12 charging fees or the payment of salaries and compensation as
13 limited in this Section and any applicable Section of this Act
14 or the Adoption Act.

15 (c) This Section does not apply to international adoption
16 services performed by those child welfare agencies governed by
17 the 1993 Hague Convention on Protection of Children and
18 Cooperation in Respect of Intercountry Adoption and the
19 Intercountry Adoption Act of 2000.

20 (d) Eligible agencies may be deemed compliant with this
21 Section.

22 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;
23 revised 9-14-16.)

24 Section 460. The Clinical Social Work and Social Work
25 Practice Act is amended by changing Section 3 as follows:

1 (225 ILCS 20/3) (from Ch. 111, par. 6353)

2 (Section scheduled to be repealed on January 1, 2018)

3 Sec. 3. Definitions. ~~÷~~ The following words and phrases shall
4 have the meanings ascribed to them in this Section unless the
5 context clearly indicates otherwise:

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

8 2. "Secretary" means the Secretary of Financial and
9 Professional Regulation.

10 3. "Board" means the Social Work Examining and Disciplinary
11 Board.

12 4. "Licensed Clinical Social Worker" means a person who
13 holds a license authorizing the independent practice of
14 clinical social work in Illinois under the auspices of an
15 employer or in private practice or under the auspices of public
16 human service agencies or private, nonprofit agencies
17 providing publicly sponsored human services.

18 5. "Clinical social work practice" means the providing of
19 mental health services for the evaluation, treatment, and
20 prevention of mental and emotional disorders in individuals,
21 families, and groups based on knowledge and theory of
22 professionally accepted theoretical structures, including, but
23 not limited to, psychosocial development, behavior,
24 psychopathology, unconscious motivation, interpersonal
25 relationships, and environmental stress.

1 6. "Treatment procedures" means among other things,
2 individual, marital, family, and group psychotherapy.

3 7. "Independent practice of clinical social work" means the
4 application of clinical social work knowledge and skills by a
5 licensed clinical social worker who regulates and is
6 responsible for her or his own practice or treatment
7 procedures.

8 8. "License" means that which is required to practice
9 clinical social work or social work under this Act, the
10 qualifications for which include specific education,
11 acceptable experience, and examination requirements.

12 9. "Licensed social worker" means a person who holds a
13 license authorizing the practice of social work, which includes
14 social services to individuals, groups or communities in any
15 one or more of the fields of social casework, social group
16 work, community organization for social welfare, social work
17 research, social welfare administration, or social work
18 education. Social casework and social group work may also
19 include clinical social work, as long as it is not conducted in
20 an independent practice, as defined in this Section.

21 10. "Address of record" means the address recorded by the
22 Department in the applicant's or licensee's application file or
23 license file, as maintained by the Department's licensure
24 maintenance unit.

25 (Source: P.A. 95-687, eff. 10-23-07; revised 9-14-16.)

1 Section 465. The Illinois Dental Practice Act is amended by
2 changing Sections 8.1 and 44 as follows:

3 (225 ILCS 25/8.1) (from Ch. 111, par. 2308.1)

4 (Section scheduled to be repealed on January 1, 2026)

5 Sec. 8.1. Permit for the administration of anesthesia and
6 sedation.

7 (a) No licensed dentist shall administer general
8 anesthesia, deep sedation, or conscious sedation without first
9 applying for and obtaining a permit for such purpose from the
10 Department. The Department shall issue such permit only after
11 ascertaining that the applicant possesses the minimum
12 qualifications necessary to protect public safety. A person
13 with a dental degree who administers anesthesia, deep sedation,
14 or conscious sedation in an approved hospital training program
15 under the supervision of either a licensed dentist holding such
16 permit or a physician licensed to practice medicine in all its
17 branches shall not be required to obtain such permit.

18 (b) In determining the minimum permit qualifications that
19 are necessary to protect public safety, the Department, by
20 rule, shall:

21 (1) establish the minimum educational and training
22 requirements necessary for a dentist to be issued an
23 appropriate permit;

24 (2) establish the standards for properly equipped
25 dental facilities (other than licensed hospitals and

1 ambulatory surgical treatment centers) in which general
2 anesthesia, deep sedation, or conscious sedation is
3 administered, as necessary to protect public safety;

4 (3) establish minimum requirements for all persons who
5 assist the dentist in the administration of general
6 anesthesia, deep sedation, or conscious sedation,
7 including minimum training requirements for each member of
8 the dental team, monitoring requirements, recordkeeping
9 requirements, and emergency procedures; ~~and~~

10 (4) ensure that the dentist and all persons assisting
11 the dentist or monitoring the administration of general
12 anesthesia, deep sedation, or conscious sedation maintain
13 current certification in Basic Life Support (BLS); ~~and-~~

14 (5) establish continuing education requirements in
15 sedation techniques for dentists who possess a permit under
16 this Section.

17 When establishing requirements under this Section, the
18 Department shall consider the current American Dental
19 Association guidelines on sedation and general anesthesia, the
20 current "Guidelines for Monitoring and Management of Pediatric
21 Patients During and After Sedation for Diagnostic and
22 Therapeutic Procedures" established by the American Academy of
23 Pediatrics and the American Academy of Pediatric Dentistry, and
24 the current parameters of care and Office Anesthesia Evaluation
25 (OAE) Manual established by the American Association of Oral
26 and Maxillofacial Surgeons.

1 (c) A licensed dentist must hold an appropriate permit
2 issued under this Section in order to perform dentistry while a
3 nurse anesthetist administers conscious sedation, and a valid
4 written collaborative agreement must exist between the dentist
5 and the nurse anesthetist, in accordance with the Nurse
6 Practice Act.

7 A licensed dentist must hold an appropriate permit issued
8 under this Section in order to perform dentistry while a nurse
9 anesthetist administers deep sedation or general anesthesia,
10 and a valid written collaborative agreement must exist between
11 the dentist and the nurse anesthetist, in accordance with the
12 Nurse Practice Act.

13 For the purposes of this subsection (c), "nurse
14 anesthetist" means a licensed certified registered nurse
15 anesthetist who holds a license as an advanced practice nurse.

16 (Source: P.A. 95-399, eff. 1-1-08; 95-639, eff. 1-1-08; 96-328,
17 eff. 8-11-09; revised 10-27-16.)

18 (225 ILCS 25/44) (from Ch. 111, par. 2344)

19 (Section scheduled to be repealed on January 1, 2026)

20 Sec. 44. Practice by corporations prohibited; exceptions
21 ~~prohibited. Exceptions.~~ No corporation shall practice
22 dentistry or engage therein, or hold itself out as being
23 entitled to practice dentistry, or furnish dental services or
24 dentists, or advertise under or assume the title of dentist or
25 dental surgeon or equivalent title, or furnish dental advice

1 for any compensation, or advertise or hold itself out with any
2 other person or alone, that it has or owns a dental office or
3 can furnish dental service or dentists, or solicit through
4 itself, or its agents, officers, employees, directors or
5 trustees, dental patronage for any dentist employed by any
6 corporation.

7 Nothing contained in this Act, however, shall:

8 (a) prohibit a corporation from employing a dentist or
9 dentists to render dental services to its employees,
10 provided that such dental services shall be rendered at no
11 cost or charge to the employees;

12 (b) prohibit a corporation or association from
13 providing dental services upon a wholly charitable basis to
14 deserving recipients;

15 (c) prohibit a corporation or association from
16 furnishing information or clerical services which can be
17 furnished by persons not licensed to practice dentistry, to
18 any dentist when such dentist assumes full responsibility
19 for such information or services;

20 (d) prohibit dental corporations as authorized by the
21 Professional Service Corporation Act, dental associations
22 as authorized by the Professional Association Act, or
23 dental limited liability companies as authorized by the
24 Limited Liability Company Act;

25 (e) prohibit dental limited liability partnerships as
26 authorized by the Uniform Partnership Act (1997);

1 (f) prohibit hospitals, public health clinics,
2 federally qualified health centers, or other entities
3 specified by rule of the Department from providing dental
4 services; or

5 (g) prohibit dental management service organizations
6 from providing non-clinical business services that do not
7 violate the provisions of this Act.

8 Any corporation violating the provisions of this Section is
9 guilty of a Class A misdemeanor and each day that this Act is
10 violated shall be considered a separate offense.

11 If a dental management service organization is responsible
12 for enrolling the dentist as a provider in managed care plans
13 provider networks, it shall provide verification to the managed
14 care provider network regarding whether the provider is
15 accepting new patients at each of the specific locations
16 listing the provider.

17 Nothing in this Section shall void any contractual
18 relationship between the provider and the organization.

19 (Source: P.A. 99-329, eff. 1-1-16; revised 10-27-16.)

20 Section 470. The Environmental Health Practitioner
21 Licensing Act is amended by changing Section 10 as follows:

22 (225 ILCS 37/10)

23 (Section scheduled to be repealed on January 1, 2019)

24 Sec. 10. Definitions. As used in this Act:

1 "Board" means the Board of Environmental Health
2 Practitioners ~~Board~~ as created in this Act.

3 "Department" means the Department of Professional
4 Regulation.

5 "Director" means the Director of Professional Regulation.

6 "Environmental health inspector" means an individual who,
7 in support of and under the general supervision of a licensed
8 environmental health practitioner or licensed professional
9 engineer, practices environmental health and meets the
10 educational qualifications of an environmental health
11 inspector.

12 "Environmental health practice" is the practice of
13 environmental health by licensed environmental health
14 practitioners within the meaning of this Act and includes, but
15 is not limited to, the following areas of professional
16 activities: milk and food sanitation; protection and
17 regulation of private water supplies; private waste water
18 management; domestic solid waste disposal practices;
19 institutional health and safety; and consultation and
20 education in these fields.

21 "Environmental health practitioner in training" means a
22 person licensed under this Act who meets the educational
23 qualifications of a licensed environmental health practitioner
24 and practices environmental health in support of and under the
25 general supervision of a licensed environmental health
26 practitioner or licensed professional engineer, but has not

1 passed the licensed environmental health practitioner
2 examination administered by the Department.

3 "License" means the authorization issued by the Department
4 permitting the person named on the authorization to practice
5 environmental health as defined in this Act.

6 "Licensed environmental health practitioner" is a person
7 who, by virtue of education and experience in the physical,
8 chemical, biological, and environmental health sciences, is
9 especially trained to organize, implement, and manage
10 environmental health programs, trained to carry out education
11 and enforcement activities for the promotion and protection of
12 the public health and environment, and is licensed as an
13 environmental health practitioner under this Act.

14 (Source: P.A. 92-837, eff. 8-22-02; revised 10-27-16.)

15 Section 475. The Funeral Directors and Embalmers Licensing
16 Code is amended by changing Section 15-75 as follows:

17 (225 ILCS 41/15-75)

18 (Section scheduled to be repealed on January 1, 2023)

19 Sec. 15-75. Violations; grounds for discipline; penalties.

20 (a) Each of the following acts is a Class A misdemeanor for
21 the first offense, and a Class 4 felony for each subsequent
22 offense. These penalties shall also apply to unlicensed owners
23 of funeral homes.

24 (1) Practicing the profession of funeral directing and

1 embalming or funeral directing, or attempting to practice
2 the profession of funeral directing and embalming or
3 funeral directing without a license as a funeral director
4 and embalmer or funeral director.

5 (2) Serving or attempting to serve as an intern under a
6 licensed funeral director and embalmer without a license as
7 a licensed funeral director and embalmer intern.

8 (3) Obtaining or attempting to obtain a license,
9 practice or business, or any other thing of value, by fraud
10 or misrepresentation.

11 (4) Permitting any person in one's employ, under one's
12 control or in or under one's service to serve as a funeral
13 director and embalmer, funeral director, or funeral
14 director and embalmer intern when the person does not have
15 the appropriate license.

16 (5) Failing to display a license as required by this
17 Code.

18 (6) Giving false information or making a false oath or
19 affidavit required by this Code.

20 (b) The Department may refuse to issue or renew, revoke,
21 suspend, place on probation or administrative supervision,
22 reprimand, or take other disciplinary or non-disciplinary
23 action as the Department may deem appropriate, including
24 imposing fines not to exceed \$10,000 for each violation, with
25 regard to any license under the Code for any one or combination
26 of the following:

1 (1) Fraud or any misrepresentation in applying for or
2 procuring a license under this Code or in connection with
3 applying for renewal of a license under this Code.

4 (2) For licenses, conviction by plea of guilty or nolo
5 contendere, finding of guilt, jury verdict, or entry of
6 judgment or by sentencing of any crime, including, but not
7 limited to, convictions, preceding sentences of
8 supervision, conditional discharge, or first offender
9 probation, under the laws of any jurisdiction of the United
10 States: (i) that is a felony or (ii) that is a misdemeanor,
11 an essential element of which is dishonesty, or that is
12 directly related to the practice of the profession and, for
13 initial applicants, convictions set forth in Section 15-72
14 of this Act.

15 (3) Violation of the laws of this State relating to the
16 funeral, burial or disposition of deceased human bodies or
17 of the rules and regulations of the Department, or the
18 Department of Public Health.

19 (4) Directly or indirectly paying or causing to be paid
20 any sum of money or other valuable consideration for the
21 securing of business or for obtaining authority to dispose
22 of any deceased human body.

23 (5) Professional incompetence, gross negligence,
24 malpractice, or untrustworthiness in the practice of
25 funeral directing and embalming or funeral directing.

26 (6) (Blank).

1 (7) Engaging in, promoting, selling, or issuing burial
2 contracts, burial certificates, or burial insurance
3 policies in connection with the profession as a funeral
4 director and embalmer, funeral director, or funeral
5 director and embalmer intern in violation of any laws of
6 the State of Illinois.

7 (8) Refusing, without cause, to surrender the custody
8 of a deceased human body upon the proper request of the
9 person or persons lawfully entitled to the custody of the
10 body.

11 (9) Taking undue advantage of a client or clients as to
12 amount to the perpetration of fraud.

13 (10) Engaging in funeral directing and embalming or
14 funeral directing without a license.

15 (11) Encouraging, requesting, or suggesting by a
16 licensee or some person working on his behalf and with his
17 consent for compensation that a person utilize the services
18 of a certain funeral director and embalmer, funeral
19 director, or funeral establishment unless that information
20 has been expressly requested by the person. This does not
21 prohibit general advertising or pre-need solicitation.

22 (12) Making or causing to be made any false or
23 misleading statements about the laws concerning the
24 disposition of human remains, including, but not limited
25 to, the need to embalm, the need for a casket for cremation
26 or the need for an outer burial container.

1 (13) (Blank).

2 (14) Embalming or attempting to embalm a deceased human
3 body without express prior authorization of the person
4 responsible for making the funeral arrangements for the
5 body. This does not apply to cases where embalming is
6 directed by local authorities who have jurisdiction or when
7 embalming is required by State or local law. A licensee may
8 embalm without express prior authorization if a good faith
9 effort has been made to contact family members and has been
10 unsuccessful and the licensee has no reason to believe the
11 family opposes embalming.

12 (15) Making a false statement on a Certificate of Death
13 where the person making the statement knew or should have
14 known that the statement was false.

15 (16) Soliciting human bodies after death or while death
16 is imminent.

17 (17) Performing any act or practice that is a violation
18 of this Code, the rules for the administration of this
19 Code, or any federal, State or local laws, rules, or
20 regulations governing the practice of funeral directing or
21 embalming.

22 (18) Performing any act or practice that is a violation
23 of Section 2 of the Consumer Fraud and Deceptive Business
24 Practices Act.

25 (19) Engaging in dishonorable, unethical, or
26 unprofessional conduct of a character likely to deceive,

1 defraud or harm the public.

2 (20) Taking possession of a dead human body without
3 having first obtained express permission from the person
4 holding the right to control the disposition in accordance
5 with Section 5 of the Disposition of Remains Act or a
6 public agency legally authorized to direct, control or
7 permit the removal of deceased human bodies.

8 (21) Advertising in a false or misleading manner or
9 advertising using the name of an unlicensed person in
10 connection with any service being rendered in the practice
11 of funeral directing or funeral directing and embalming.
12 The use of any name of an unlicensed or unregistered person
13 in an advertisement so as to imply that the person will
14 perform services is considered misleading advertising.
15 Nothing in this paragraph shall prevent including the name
16 of any owner, officer or corporate director of a funeral
17 home, who is not a licensee, in any advertisement used by a
18 funeral home with which the individual is affiliated, if
19 the advertisement specifies the individual's affiliation
20 with the funeral home.

21 (22) Charging for professional services not rendered,
22 including filing false statements for the collection of
23 fees for which services are not rendered.

24 (23) Failing to account for or remit any monies,
25 documents, or personal property that belongs to others that
26 comes into a licensee's possession.

1 (24) Treating any person differently to his detriment
2 because of race, color, creed, gender, religion, or
3 national origin.

4 (25) Knowingly making any false statements, oral or
5 otherwise, of a character likely to influence, persuade or
6 induce others in the course of performing professional
7 services or activities.

8 (26) Willfully making or filing false records or
9 reports in the practice of funeral directing and embalming,
10 including, but not limited to, false records filed with
11 State agencies or departments.

12 (27) Failing to acquire continuing education required
13 under this Code.

14 (28) (Blank).

15 (29) Aiding or assisting another person in violating
16 any provision of this Code or rules adopted pursuant to
17 this Code.

18 (30) Failing within 10 days, to provide information in
19 response to a written request made by the Department.

20 (31) Discipline by another state, District of
21 Columbia, territory, foreign nation, or governmental
22 agency, if at least one of the grounds for the discipline
23 is the same or substantially equivalent to those set forth
24 in this Section.

25 (32) (Blank).

26 (33) Mental illness or disability which results in the

1 inability to practice the profession with reasonable
2 judgment, skill, or safety.

3 (34) Gross, willful, or continued overcharging for
4 professional services, including filing false statements
5 for collection of fees for which services are not rendered.

6 (35) Physical illness, including, but not limited to,
7 deterioration through the aging process or loss of motor
8 skill which results in a licensee's inability to practice
9 under this Code with reasonable judgment, skill, or safety.

10 (36) Failing to comply with any of the following
11 required activities:

12 (A) When reasonably possible, a funeral director
13 licensee or funeral director and embalmer licensee or
14 anyone acting on his or her behalf shall obtain the
15 express authorization of the person or persons
16 responsible for making the funeral arrangements for a
17 deceased human body prior to removing a body from the
18 place of death or any place it may be or embalming or
19 attempting to embalm a deceased human body, unless
20 required by State or local law. This requirement is
21 waived whenever removal or embalming is directed by
22 local authorities who have jurisdiction. If the
23 responsibility for the handling of the remains
24 lawfully falls under the jurisdiction of a public
25 agency, then the regulations of the public agency shall
26 prevail.

1 (B) A licensee shall clearly mark the price of any
2 casket offered for sale or the price of any service
3 using the casket on or in the casket if the casket is
4 displayed at the funeral establishment. If the casket
5 is displayed at any other location, regardless of
6 whether the licensee is in control of that location,
7 the casket shall be clearly marked and the registrant
8 shall use books, catalogues, brochures, or other
9 printed display aids to show the price of each casket
10 or service.

11 (C) At the time funeral arrangements are made and
12 prior to rendering the funeral services, a licensee
13 shall furnish a written statement of services to be
14 retained by the person or persons making the funeral
15 arrangements, signed by both parties, that shall
16 contain: (i) the name, address and telephone number of
17 the funeral establishment and the date on which the
18 arrangements were made; (ii) the price of the service
19 selected and the services and merchandise included for
20 that price; (iii) a clear disclosure that the person or
21 persons making the arrangement may decline and receive
22 credit for any service or merchandise not desired and
23 not required by law or the funeral director or the
24 funeral director and embalmer; (iv) the supplemental
25 items of service and merchandise requested and the
26 price of each item; (v) the terms or method of payment

1 agreed upon; and (vi) a statement as to any monetary
2 advances made by the registrant on behalf of the
3 family. The licensee shall maintain a copy of the
4 written statement of services in its permanent
5 records. All written statements of services are
6 subject to inspection by the Department.

7 (D) In all instances where the place of final
8 disposition of a deceased human body or the cremated
9 remains of a deceased human body is a cemetery, the
10 licensed funeral director and embalmer, or licensed
11 funeral director, who has been engaged to provide
12 funeral or embalming services shall remain at the
13 cemetery and personally witness the placement of the
14 human remains in their designated grave or the sealing
15 of the above ground depository, crypt, or urn. The
16 licensed funeral director or licensed funeral director
17 and embalmer may designate a licensed funeral director
18 and embalmer intern or representative of the funeral
19 home to be his or her witness to the placement of the
20 remains. If the cemetery authority, cemetery manager,
21 or any other agent of the cemetery takes any action
22 that prevents compliance with this paragraph (D), then
23 the funeral director and embalmer or funeral director
24 shall provide written notice to the Department within 5
25 business days after failing to comply. If the
26 Department receives this notice, then the Department

1 shall not take any disciplinary action against the
2 funeral director and embalmer or funeral director for a
3 violation of this paragraph (D) unless the Department
4 finds that the cemetery authority, manager, or any
5 other agent of the cemetery did not prevent the funeral
6 director and embalmer or funeral director from
7 complying with this paragraph (D) as claimed in the
8 written notice.

9 (E) A funeral director or funeral director and
10 embalmer shall fully complete the portion of the
11 Certificate of Death under the responsibility of the
12 funeral director or funeral director and embalmer and
13 provide all required information. In the event that any
14 reported information subsequently changes or proves
15 incorrect, a funeral director or funeral director and
16 embalmer shall immediately upon learning the correct
17 information correct the Certificate of Death.

18 (37) A finding by the Department that the licensee
19 ~~license~~, after having his or her license placed on
20 probationary status or subjected to conditions or
21 restrictions, violated the terms of the probation or failed
22 to comply with such terms or conditions.

23 (38) (Blank).

24 (39) Being named as a perpetrator in an indicated
25 report by the Department of Children and Family Services
26 pursuant to the Abused and Neglected Child Reporting Act

1 and, upon proof by clear and convincing evidence, being
2 found to have caused a child to be an abused child or
3 neglected child as defined in the Abused and Neglected
4 Child Reporting Act.

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

9 (41) Practicing under a false or, except as provided by
10 law, an assumed name.

11 (42) Cheating on or attempting to subvert the licensing
12 examination administered under this Code.

13 (c) The Department may refuse to issue or renew or may
14 suspend without a hearing, as provided for in the Department of
15 Professional Regulation Law of the Civil Administrative Code of
16 Illinois, the license of any person who fails to file a return,
17 to pay the tax, penalty or interest shown in a filed return, or
18 to pay any final assessment of tax, penalty or interest as
19 required by any tax Act administered by the Illinois Department
20 of Revenue, until the time as the requirements of the tax Act
21 are satisfied in accordance with subsection (g) of Section
22 2105-15 of the Department of Professional Regulation Law of the
23 Civil Administrative Code of Illinois.

24 (d) No action may be taken under this Code against a person
25 licensed under this Code unless the action is commenced within
26 5 years after the occurrence of the alleged violations. A

1 continuing violation shall be deemed to have occurred on the
2 date when the circumstances last existed that give rise to the
3 alleged violation.

4 (e) Nothing in this Section shall be construed or enforced
5 to give a funeral director and embalmer, or his or her
6 designees, authority over the operation of a cemetery or over
7 cemetery employees. Nothing in this Section shall be construed
8 or enforced to impose duties or penalties on cemeteries with
9 respect to the timing of the placement of human remains in
10 their designated grave or the sealing of the above ground
11 depository, crypt, or urn due to patron safety, the allocation
12 of cemetery staffing, liability insurance, a collective
13 bargaining agreement, or other such reasons.

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

16 (g) The Department shall deny a license or renewal
17 authorized by this Code to a person who has defaulted on an
18 educational loan or scholarship provided or guaranteed by the
19 Illinois Student Assistance Commission or any governmental
20 agency of this State in accordance with item (5) of subsection
21 (a) of Section 2105-15 of the Department of Professional
22 Regulation Law of the Civil Administrative Code of Illinois.

23 (h) In cases where the Department of Healthcare and Family
24 Services has previously determined a licensee or a potential
25 licensee is more than 30 days delinquent in the payment of
26 child support and has subsequently certified the delinquency to

1 the Department, the Department may refuse to issue or renew or
2 may revoke or suspend that person's license or may take other
3 disciplinary action against that person based solely upon the
4 certification of delinquency made by the Department of
5 Healthcare and Family Services in accordance with item (5) of
6 subsection (a) of Section 2105-15 of the Department of
7 Professional Regulation Law of the Civil Administrative Code of
8 Illinois.

9 (i) A person not licensed under this Code who is an owner
10 of a funeral establishment or funeral business shall not aid,
11 abet, assist, procure, advise, employ, or contract with any
12 unlicensed person to offer funeral services or aid, abet,
13 assist, or direct any licensed person contrary to or in
14 violation of any rules or provisions of this Code. A person
15 violating this subsection shall be treated as a licensee for
16 the purposes of disciplinary action under this Section and
17 shall be subject to cease and desist orders as provided in this
18 Code, the imposition of a fine up to \$10,000 for each violation
19 and any other penalty provided by law.

20 (j) The determination by a circuit court that a licensee is
21 subject to involuntary admission or judicial admission as
22 provided in the Mental Health and Developmental Disabilities
23 Code, as amended, operates as an automatic suspension. The
24 suspension may end only upon a finding by a court that the
25 licensee is no longer subject to the involuntary admission or
26 judicial admission and issues an order so finding and

1 discharging the licensee, and upon the recommendation of the
2 Board to the Secretary that the licensee be allowed to resume
3 his or her practice.

4 (k) In enforcing this Code, the Department, upon a showing
5 of a possible violation, may compel an individual licensed to
6 practice under this Code, or who has applied for licensure
7 under this Code, to submit to a mental or physical examination,
8 or both, as required by and at the expense of the Department.
9 The Department may order the examining physician to present
10 testimony concerning the mental or physical examination of the
11 licensee or applicant. No information shall be excluded by
12 reason of any common law or statutory privilege relating to
13 communications between the licensee or applicant and the
14 examining physician. The examining physician shall be
15 specifically designated by the Department. The individual to be
16 examined may have, at his or her own expense, another physician
17 of his or her choice present during all aspects of this
18 examination. The examination shall be performed by a physician
19 licensed to practice medicine in all its branches. Failure of
20 an individual to submit to a mental or physical examination,
21 when directed, shall result in an automatic suspension without
22 hearing.

23 A person holding a license under this Code or who has
24 applied for a license under this Code who, because of a
25 physical or mental illness or disability, including, but not
26 limited to, deterioration through the aging process or loss of

1 motor skill, is unable to practice the profession with
2 reasonable judgment, skill, or safety, may be required by the
3 Department to submit to care, counseling, or treatment by
4 physicians approved or designated by the Department as a
5 condition, term, or restriction for continued, reinstated, or
6 renewed licensure to practice. Submission to care, counseling,
7 or treatment as required by the Department shall not be
8 considered discipline of a license. If the licensee refuses to
9 enter into a care, counseling, or treatment agreement or fails
10 to abide by the terms of the agreement, the Department may file
11 a complaint to revoke, suspend, or otherwise discipline the
12 license of the individual. The Secretary may order the license
13 suspended immediately, pending a hearing by the Department.
14 Fines shall not be assessed in disciplinary actions involving
15 physical or mental illness or impairment.

16 In instances in which the Secretary immediately suspends a
17 person's license under this Section, a hearing on that person's
18 license must be convened by the Department within 15 days after
19 the suspension and completed without appreciable delay. The
20 Department shall have the authority to review the subject
21 individual's record of treatment and counseling regarding the
22 impairment to the extent permitted by applicable federal
23 statutes and regulations safeguarding the confidentiality of
24 medical records.

25 An individual licensed under this Code and affected under
26 this Section shall be afforded an opportunity to demonstrate to

1 the Department that he or she can resume practice in compliance
2 with acceptable and prevailing standards under the provisions
3 of his or her license.

4 (Source: P.A. 98-756, eff. 7-16-14; 99-876, eff. 1-1-17;
5 revised 10-27-16.)

6 Section 480. The Hearing Instrument Consumer Protection
7 Act is amended by changing Section 18 as follows:

8 (225 ILCS 50/18) (from Ch. 111, par. 7418)

9 (Section scheduled to be repealed on January 1, 2026)

10 Sec. 18. Discipline by the Department. The Department may
11 refuse to issue or renew a license or it may revoke, suspend,
12 place on probation, censure, fine, or reprimand a licensee for
13 any of the following:

14 (a) Material misstatement in furnishing information to
15 the Department or to any other State or federal agency.

16 (b) Violations of this Act, or the rules promulgated
17 hereunder.

18 (c) Conviction of any crime under the laws of the
19 United States or any state or territory thereof which is a
20 felony or misdemeanor, an essential element of dishonesty,
21 or of any crime which is directly related to the practice
22 of the profession.

23 (d) Making any misrepresentation for the purpose of
24 obtaining a license or renewing a license, including

1 falsification of the continuing education requirement.

2 (e) Professional incompetence.

3 (f) Malpractice.

4 (g) Aiding or assisting another person in violating any
5 provision of this Act or the rules promulgated hereunder.

6 (h) Failing, within 30 days, to provide in writing
7 information in response to a written request made by the
8 Department.

9 (i) Engaging in dishonorable, unethical, or
10 unprofessional conduct which is likely to deceive,
11 defraud, or harm the public.

12 (j) Knowingly employing, directly or indirectly, any
13 suspended or unlicensed person to perform any services
14 covered by this Act.

15 (k) Habitual intoxication or addiction to the use of
16 drugs.

17 (l) Discipline by another state, the District of
18 Columbia, territory, or a foreign nation, if at least one
19 of the grounds for the discipline is the same or
20 substantially equivalent to those set forth herein.

21 (m) Directly or indirectly giving to or receiving from
22 any person, firm, corporation, partnership, or association
23 any fee, commission, rebate, or other form of compensation
24 for any service not actually rendered. Nothing in this
25 paragraph (m) affects any bona fide independent contractor
26 or employment arrangements among health care

1 professionals, health facilities, health care providers,
2 or other entities, except as otherwise prohibited by law.
3 Any employment arrangements may include provisions for
4 compensation, health insurance, pension, or other
5 employment benefits for the provision of services within
6 the scope of the licensee's practice under this Act.
7 Nothing in this paragraph (m) shall be construed to require
8 an employment arrangement to receive professional fees for
9 services rendered.

10 (n) A finding by the Board that the licensee, after
11 having his or her license placed on probationary status,l
12 has violated the terms of ~~or~~ probation.

13 (o) Willfully making or filing false records or
14 reports.

15 (p) Willfully failing to report an instance of
16 suspected child abuse or neglect as required by the Abused
17 and Neglected Child Reporting Act.

18 (q) Physical illness, including~~l~~ but not limited to,
19 deterioration through the aging process, or loss of motor
20 skill which results in the inability to practice the
21 profession with reasonable judgement, skill or safety.

22 (r) Solicitation of services or products by
23 advertising that is false or misleading. An advertisement
24 is false or misleading if it:

25 (1) contains an intentional misrepresentation of
26 fact;

1 (2) contains a false statement as to the licensee's
2 professional achievements, education, skills, or
3 qualifications in the hearing instrument dispensing
4 profession;

5 (3) makes a partial disclosure of a relevant fact,
6 including:

7 (i) the advertisement of a discounted price of
8 an item without identifying in the advertisement
9 or at the location of the item either the specific
10 product being offered at the discounted price or
11 the usual price of the item; and

12 (ii) the advertisement of the price of a
13 specifically identified hearing instrument if more
14 than one hearing instrument appears in the same
15 advertisement without an accompanying price;

16 (4) contains a representation that a product
17 innovation is new when, in fact, the product was first
18 offered by the manufacturer to the general public in
19 this State not less than 12 months before the date of
20 the advertisement;

21 (5) contains any other representation, statement,
22 or claim that is inherently misleading or deceptive; or

23 (6) contains information that the licensee
24 manufactures hearing instruments at the licensee's
25 office location unless the following statement
26 includes a statement disclosing that the instruments

1 are manufactured by a specified manufacturer and
2 assembled by the licensee.

3 (s) Participating in subterfuge or misrepresentation
4 in the fitting or servicing of a hearing instrument.

5 (t) (Blank).

6 (u) Representing that the service of a licensed
7 physician or other health professional will be used or made
8 available in the fitting, adjustment, maintenance, or
9 repair of hearing instruments when that is not true, or
10 using the words "doctor", "audiologist", "clinic",
11 "Clinical Audiologist", "Certified Hearing Aid
12 Audiologist", "State Licensed", "State Certified",
13 "Hearing Care Professional", "Licensed Hearing Instrument
14 Dispenser", "Licensed Hearing Aid Dispenser", "Board
15 Certified Hearing Instrument Specialist", "Hearing
16 Instrument Specialist", "Licensed Audiologist", or any
17 other term, abbreviation, or symbol which would give the
18 impression that service is being provided by persons who
19 are licensed or awarded a degree or title, or that the
20 person's service who is holding the license has been
21 recommended by a governmental agency or health provider,
22 when such is not the case.

23 (v) Advertising a manufacturer's product or using a
24 manufacturer's name or trademark implying a relationship
25 which does not exist.

26 (w) Directly or indirectly giving or offering anything

1 of value to any person who advises another in a
2 professional capacity, as an inducement to influence the
3 purchase of a product sold or offered for sale by a hearing
4 instrument dispenser or influencing persons to refrain
5 from dealing in the products of competitors.

6 (x) Conducting business while suffering from a
7 contagious disease.

8 (y) Engaging in the fitting or sale of hearing
9 instruments under a name with fraudulent intent.

10 (z) Dispensing a hearing instrument to a person who has
11 not been given tests utilizing appropriate established
12 procedures and instrumentation in the fitting of hearing
13 instruments, except where there is the replacement of a
14 hearing instrument, of the same make and model within one
15 year of the dispensing of the original hearing instrument.

16 (aa) Unavailability or unwillingness to adequately
17 provide for service or repair of hearing instruments fitted
18 and sold by the dispenser.

19 (bb) Violating the regulations of the Federal Food and
20 Drug Administration or the Federal Trade Commission as they
21 affect hearing instruments.

22 (cc) Violating any provision of the Consumer Fraud and
23 Deceptive Business Practices Act.

24 (dd) Violating the Health Care Worker Self-Referral
25 Act.

26 The Department, with the approval of the Board, may impose

1 a fine not to exceed \$1,000 plus costs for the first violation
2 and not to exceed \$5,000 plus costs for each subsequent
3 violation of this Act, and the rules promulgated hereunder, on
4 any person or entity described in this Act. Such fine may be
5 imposed as an alternative to any other disciplinary measure,
6 except for probation. The imposition by the Department of a
7 fine for any violation does not bar the violation from being
8 alleged in subsequent disciplinary proceedings. Such fines
9 shall be deposited in the Fund.

10 (Source: P.A. 96-1482, eff. 11-29-10; revised 9-14-16.)

11 Section 485. The Illinois Physical Therapy Act is amended
12 by changing Section 1 as follows:

13 (225 ILCS 90/1) (from Ch. 111, par. 4251)

14 (Section scheduled to be repealed on January 1, 2026)

15 Sec. 1. Definitions. As used in this Act:

16 (1) "Physical therapy" means all of the following:

17 (A) Examining, evaluating, and testing individuals who
18 may have mechanical, physiological, or developmental
19 impairments, functional limitations, disabilities, or
20 other health and movement-related conditions, classifying
21 these disorders, determining a rehabilitation prognosis
22 and plan of therapeutic intervention, and assessing the
23 on-going effects of the interventions.

24 (B) Alleviating impairments, functional limitations,

1 or disabilities by designing, implementing, and modifying
2 therapeutic interventions that may include, but are not
3 limited to, the evaluation or treatment of a person through
4 the use of the effective properties of physical measures
5 and heat, cold, light, water, radiant energy, electricity,
6 sound, and air and use of therapeutic massage, therapeutic
7 exercise, mobilization, and rehabilitative procedures,
8 with or without assistive devices, for the purposes of
9 preventing, correcting, or alleviating a physical or
10 mental impairment, functional limitation, or disability.

11 (C) Reducing the risk of injury, impairment,
12 functional limitation, or disability, including the
13 promotion and maintenance of fitness, health, and
14 wellness.

15 (D) Engaging in administration, consultation,
16 education, and research.

17 "Physical therapy" includes, but is not limited to: (a)
18 performance of specialized tests and measurements, (b)
19 administration of specialized treatment procedures, (c)
20 interpretation of referrals from physicians, dentists,
21 advanced practice nurses, physician assistants, and podiatric
22 physicians, (d) establishment, and modification of physical
23 therapy treatment programs, (e) administration of topical
24 medication used in generally accepted physical therapy
25 procedures when such medication is either prescribed by the
26 patient's physician, licensed to practice medicine in all its

1 branches, the patient's physician licensed to practice
2 podiatric medicine, the patient's advanced practice nurse, the
3 patient's physician assistant, or the patient's dentist or used
4 following the physician's orders or written instructions, and
5 (f) supervision or teaching of physical therapy. Physical
6 therapy does not include radiology, electrosurgery,
7 chiropractic technique or determination of a differential
8 diagnosis; provided, however, the limitation on determining a
9 differential diagnosis shall not in any manner limit a physical
10 therapist licensed under this Act from performing an evaluation
11 pursuant to such license. Nothing in this Section shall limit a
12 physical therapist from employing appropriate physical therapy
13 techniques that he or she is educated and licensed to perform.
14 A physical therapist shall refer to a licensed physician,
15 advanced practice nurse, physician assistant, dentist,
16 podiatric physician, other physical therapist, or other health
17 care provider any patient whose medical condition should, at
18 the time of evaluation or treatment, be determined to be beyond
19 the scope of practice of the physical therapist.

20 (2) "Physical therapist" means a person who practices
21 physical therapy and who has met all requirements as provided
22 in this Act.

23 (3) "Department" means the Department of Professional
24 Regulation.

25 (4) "Director" means the Director of Professional
26 Regulation.

1 (5) "Board" means the Physical Therapy Licensing and
2 Disciplinary Board approved by the Director.

3 (6) "Referral" means a written or oral authorization for
4 physical therapy services for a patient by a physician,
5 dentist, advanced practice nurse, physician assistant, or
6 podiatric physician who maintains medical supervision of the
7 patient and makes a diagnosis or verifies that the patient's
8 condition is such that it may be treated by a physical
9 therapist.

10 (7) "Documented current and relevant diagnosis" for the
11 purpose of this Act means a diagnosis, substantiated by
12 signature or oral verification of a physician, dentist,
13 advanced practice nurse, physician assistant, or podiatric
14 physician, that a patient's condition is such that it may be
15 treated by physical therapy as defined in this Act, which
16 diagnosis shall remain in effect until changed by the
17 physician, dentist, advanced practice nurse, physician
18 assistant, or podiatric physician.

19 (8) "State" includes:

20 (a) the states of the United States of America;

21 (b) the District of Columbia; and

22 (c) the Commonwealth of Puerto Rico.

23 (9) "Physical therapist assistant" means a person licensed
24 to assist a physical therapist and who has met all requirements
25 as provided in this Act and who works under the supervision of
26 a licensed physical therapist to assist in implementing the

1 physical therapy treatment program as established by the
2 licensed physical therapist. The patient care activities
3 provided by the physical therapist assistant shall not include
4 the interpretation of referrals, evaluation procedures, or the
5 planning or major modification of patient programs.

6 (10) "Physical therapy aide" means a person who has
7 received on the job training, specific to the facility in which
8 he is employed.

9 (11) "Advanced practice nurse" means a person licensed as
10 an advanced practice nurse under the Nurse Practice Act.

11 (12) "Physician assistant" means a person licensed under
12 the Physician Assistant Practice Act of 1987.

13 (Source: P.A. 98-214, eff. 8-9-13; 99-173, eff. 7-29-15;
14 99-229, eff. 8-3-15; 99-642, eff. 7-28-16; revised 10-27-16.)

15 Section 490. The Professional Counselor and Clinical
16 Professional Counselor Licensing and Practice Act is amended by
17 changing Sections 30 and 80 as follows:

18 (225 ILCS 107/30) (from Ch. 111, par. 8451-30)

19 (Section scheduled to be repealed on January 1, 2023)

20 Sec. 30. Professional Counselor Licensing ~~Examining~~ and
21 Disciplinary Board.

22 (a) The Secretary shall appoint a Board which shall serve
23 in an advisory capacity to the Secretary. The Board shall
24 consist of 7 persons, 2 of whom are licensed solely as

1 professional counselors, 3 of whom are licensed solely as
2 clinical professional counselors, one full-time faculty member
3 of an accredited college or university that is engaged in
4 training professional counselors or clinical professional
5 counselors who possesses the qualifications substantially
6 equivalent to the education and experience requirements for a
7 professional counselor or clinical professional counselor, and
8 one member of the public who is not a licensed health care
9 provider. In appointing members of the Board, the Secretary
10 shall give due consideration to the adequate representation of
11 the various fields of counseling. In appointing members of the
12 Board, the Secretary shall give due consideration to
13 recommendations by members of the professions of professional
14 counseling and clinical professional counseling, the Statewide
15 organizations representing the interests of professional
16 counselors and clinical professional counselors, organizations
17 representing the interests of academic programs,
18 rehabilitation counseling programs, and approved counseling
19 programs in the State of Illinois.

20 (b) Members shall be appointed for and shall serve 4 year
21 terms and until their successors are appointed and qualified.
22 No member of the Board shall serve more than 2 full consecutive
23 terms. Any appointment to fill a vacancy shall be for the
24 unexpired portion of the term.

25 (c) The membership of the Board should reasonably reflect
26 representation from different geographic areas of Illinois.

1 (d) (Blank).

2 (e) The Secretary shall have the authority to remove or
3 suspend any member for cause at any time prior to the
4 expiration of his or her term. The Secretary shall be the sole
5 arbiter of cause.

6 (f) The Board shall annually elect one of its members as
7 chairperson.

8 (g) The members of the Board shall be reimbursed for all
9 legitimate, necessary, and authorized expenses incurred in
10 attending the meetings of the Board.

11 (h) The Board may make recommendations on matters relating
12 to approving graduate counseling, rehabilitation counseling,
13 psychology, and related programs.

14 (i) The Board may make recommendations on matters relating
15 to continuing education including the number of hours necessary
16 for license renewal, waivers for those unable to meet such
17 requirements, and acceptable course content. These
18 recommendations shall not impose an undue burden on the
19 Department or an unreasonable restriction on those seeking
20 license renewal.

21 (j) The Secretary shall give due consideration to all
22 recommendations of the Board.

23 (k) Four members of the Board shall constitute a quorum. A
24 quorum is required for all Board decisions.

25 (l) Members of the Board shall have no criminal, civil, or
26 professional liability in an action based upon a disciplinary

1 proceeding or other activity performed in good faith as a
2 member of the Board, except for willful or wanton misconduct.

3 (Source: P.A. 97-706, eff. 6-25-12; revised 10-27-16.)

4 (225 ILCS 107/80)

5 (Section scheduled to be repealed on January 1, 2023)

6 Sec. 80. Grounds for discipline.

7 (a) The Department may refuse to issue, renew, or may
8 revoke, suspend, place on probation, reprimand, or take other
9 disciplinary or non-disciplinary action as the Department
10 deems appropriate, including the issuance of fines not to
11 exceed \$10,000 for each violation, with regard to any license
12 for any one or more of the following:

13 (1) Material misstatement in furnishing information to
14 the Department or to any other State agency.

15 (2) Violations or negligent or intentional disregard
16 of this Act or rules adopted under this Act.

17 (3) Conviction by plea of guilty or nolo contendere,
18 finding of guilt, jury verdict, or entry of judgment or by
19 sentencing of any crime, including, but not limited to,
20 convictions, preceding sentences of supervision,
21 conditional discharge, or first offender probation, under
22 the laws of any jurisdiction of the United States: (i) that
23 is a felony or (ii) that is a misdemeanor, an essential
24 element of which is dishonesty, or that is directly related
25 to the practice of the profession.

1 (4) Fraud or any misrepresentation in applying for or
2 procuring a license under this Act or in connection with
3 applying for renewal of a license under this Act.

4 (5) Professional incompetence or gross negligence in
5 the rendering of professional counseling or clinical
6 professional counseling services.

7 (6) Malpractice.

8 (7) Aiding or assisting another person in violating any
9 provision of this Act or any rules.

10 (8) Failing to provide information within 60 days in
11 response to a written request made by the Department.

12 (9) Engaging in dishonorable, unethical, or
13 unprofessional conduct of a character likely to deceive,
14 defraud, or harm the public and violating the rules of
15 professional conduct adopted by the Department.

16 (10) Habitual or excessive use or abuse of drugs as
17 defined in law as controlled substances, alcohol, or any
18 other substance which results in inability to practice with
19 reasonable skill, judgment, or safety.

20 (11) Discipline by another jurisdiction, the District
21 of Columbia, territory, county, or governmental agency, if
22 at least one of the grounds for the discipline is the same
23 or substantially equivalent to those set forth in this
24 Section.

25 (12) Directly or indirectly giving to or receiving from
26 any person, firm, corporation, partnership, or association

1 any fee, commission, rebate or other form of compensation
2 for any professional service not actually rendered.
3 Nothing in this paragraph (12) affects any bona fide
4 independent contractor or employment arrangements among
5 health care professionals, health facilities, health care
6 providers, or other entities, except as otherwise
7 prohibited by law. Any employment arrangements may include
8 provisions for compensation, health insurance, pension, or
9 other employment benefits for the provision of services
10 within the scope of the licensee's practice under this Act.
11 Nothing in this paragraph (12) shall be construed to
12 require an employment arrangement to receive professional
13 fees for services rendered.

14 (13) A finding by the Board that the licensee, after
15 having the license placed on probationary status, has
16 violated the terms of probation.

17 (14) Abandonment of a client.

18 (15) Willfully filing false reports relating to a
19 licensee's practice, including but not limited to false
20 records filed with federal or State agencies or
21 departments.

22 (16) Willfully failing to report an instance of
23 suspected child abuse or neglect as required by the Abused
24 and Neglected Child Reporting Act and in matters pertaining
25 to suspected abuse, neglect, financial exploitation, or
26 self-neglect of adults with disabilities and older adults

1 as set forth in the Adult Protective Services Act.

2 (17) Being named as a perpetrator in an indicated
3 report by the Department of Children and Family Services
4 pursuant to the Abused and Neglected Child Reporting Act,
5 and upon proof by clear and convincing evidence that the
6 licensee has caused a child to be an abused child or
7 neglected child as defined in the Abused and Neglected
8 Child Reporting Act.

9 (18) Physical or mental illness or disability,
10 including, but not limited to, deterioration through the
11 aging process or loss of abilities and skills which results
12 in the inability to practice the profession with reasonable
13 judgment, skill, or safety.

14 (19) Solicitation of professional services by using
15 false or misleading advertising.

16 (20) Allowing one's license under this Act to be used
17 by an unlicensed person in violation of this Act.

18 (21) A finding that licensure has been applied for or
19 obtained by fraudulent means.

20 (22) Practicing under a false or, except as provided by
21 law, an assumed name.

22 (23) Gross and willful overcharging for professional
23 services including filing statements for collection of
24 fees or monies for which services are not rendered.

25 (24) Rendering professional counseling or clinical
26 professional counseling services without a license or

1 practicing outside the scope of a license.

2 (25) Clinical supervisors failing to adequately and
3 responsibly monitor supervisees.

4 All fines imposed under this Section shall be paid within
5 60 days after the effective date of the order imposing the
6 fine.

7 (b) The Department shall deny, without hearing, any
8 application or renewal for a license under this Act to any
9 person who has defaulted on an educational loan guaranteed by
10 the Illinois Student ~~State~~ Assistance Commission or any
11 governmental agency of this State in accordance with item (5)
12 of subsection (a) of Section 2105-15 of the Department of
13 Professional Regulation Law of the Civil Administrative Code of
14 Illinois.

15 (b-5) The Department may refuse to issue or may suspend
16 without hearing, as provided for in the Code of Civil
17 Procedure, the license of any person who fails to file a
18 return, pay the tax, penalty, or interest shown in a filed
19 return, or pay any final assessment of the tax, penalty, or
20 interest as required by any tax Act administered by the
21 Illinois Department of Revenue, until such time as the
22 requirements of any such tax Act are satisfied in accordance
23 with subsection (g) of Section 2105-15 of the Department of
24 Professional Regulation Law of the Civil Administrative Code of
25 Illinois.

26 (b-10) In cases where the Department of Healthcare and

1 Family Services has previously determined a licensee or a
2 potential licensee is more than 30 days delinquent in the
3 payment of child support and has subsequently certified the
4 delinquency to the Department, the Department may refuse to
5 issue or renew or may revoke or suspend that person's license
6 or may take other disciplinary action against that person based
7 solely upon the certification of delinquency made by the
8 Department of Healthcare and Family Services in accordance with
9 item (5) of subsection (a) of Section 2105-15 of the Department
10 of Professional Regulation Law of the Civil Administrative Code
11 of Illinois.

12 (c) The determination by a court that a licensee is subject
13 to involuntary admission or judicial admission as provided in
14 the Mental Health and Developmental Disabilities Code will
15 result in an automatic suspension of his or her license. The
16 suspension will end upon a finding by a court that the licensee
17 is no longer subject to involuntary admission or judicial
18 admission, the issuance of an order so finding and discharging
19 the patient, and the recommendation of the Board to the
20 Secretary that the licensee be allowed to resume professional
21 practice.

22 (c-5) In enforcing this Act, the Department, upon a showing
23 of a possible violation, may compel an individual licensed to
24 practice under this Act, or who has applied for licensure under
25 this Act, to submit to a mental or physical examination, or
26 both, as required by and at the expense of the Department. The

1 Department may order the examining physician to present
2 testimony concerning the mental or physical examination of the
3 licensee or applicant. No information shall be excluded by
4 reason of any common law or statutory privilege relating to
5 communications between the licensee or applicant and the
6 examining physician. The examining physicians shall be
7 specifically designated by the Department. The individual to be
8 examined may have, at his or her own expense, another physician
9 of his or her choice present during all aspects of this
10 examination. The examination shall be performed by a physician
11 licensed to practice medicine in all its branches. Failure of
12 an individual to submit to a mental or physical examination,
13 when directed, shall result in an automatic suspension without
14 hearing.

15 A person holding a license under this Act or who has
16 applied for a license under this Act who, because of a physical
17 or mental illness or disability, including, but not limited to,
18 deterioration through the aging process or loss of motor skill,
19 is unable to practice the profession with reasonable judgment,
20 skill, or safety, may be required by the Department to submit
21 to care, counseling, or treatment by physicians approved or
22 designated by the Department as a condition, term, or
23 restriction for continued, reinstated, or renewed licensure to
24 practice. Submission to care, counseling, or treatment as
25 required by the Department shall not be considered discipline
26 of a license. If the licensee refuses to enter into a care,

1 counseling, or treatment agreement or fails to abide by the
2 terms of the agreement, the Department may file a complaint to
3 revoke, suspend, or otherwise discipline the license of the
4 individual. The Secretary may order the license suspended
5 immediately, pending a hearing by the Department. Fines shall
6 not be assessed in disciplinary actions involving physical or
7 mental illness or impairment.

8 In instances in which the Secretary immediately suspends a
9 person's license under this Section, a hearing on that person's
10 license must be convened by the Department within 15 days after
11 the suspension and completed without appreciable delay. The
12 Department shall have the authority to review the subject
13 individual's record of treatment and counseling regarding the
14 impairment to the extent permitted by applicable federal
15 statutes and regulations safeguarding the confidentiality of
16 medical records.

17 An individual licensed under this Act and affected under
18 this Section shall be afforded an opportunity to demonstrate to
19 the Department that he or she can resume practice in compliance
20 with acceptable and prevailing standards under the provisions
21 of his or her license.

22 (d) (Blank).

23 (Source: P.A. 97-706, eff. 6-25-12; 98-49, eff. 7-1-13; revised
24 10-27-16.)

25 Section 495. The Sex Offender Evaluation and Treatment

1 Provider Act is amended by changing Section 35 as follows:

2 (225 ILCS 109/35)

3 Sec. 35. Qualifications for licensure.

4 (a)(1) A person is qualified for licensure as a sex
5 offender evaluator if that person:

6 (A) has applied in writing on forms prepared and
7 furnished by the Department;

8 (B) has not engaged or is not engaged in any practice
9 or conduct that would be grounds for disciplining a
10 licensee under Section 75 of this Act; and

11 (C) satisfies the licensure and experience
12 requirements of paragraph (2) of this subsection (a).

13 (2) A person who applies to the Department shall be issued
14 a sex offender evaluator license by the Department if the
15 person meets the qualifications set forth in paragraph (1) of
16 this subsection (a) and provides evidence to the Department
17 that the person:

18 (A) is a physician licensed to practice medicine in all
19 of its branches under the Medical Practice Act of 1987 or
20 licensed under the laws of another state; an advanced
21 practice nurse with psychiatric specialty licensed under
22 the Nurse Practice Act or licensed under the laws of
23 another state; a clinical psychologist licensed under the
24 Clinical Psychologist Licensing Act or licensed under the
25 laws of another state; a licensed clinical social worker

1 licensed under the Clinical Social Work and Social Work
2 Practice Act or licensed under the laws of another state; a
3 licensed clinical professional counselor licensed under
4 the Professional Counselor and Clinical Professional
5 Counselor Licensing and Practice Act or licensed under the
6 laws of another state; or a licensed marriage and family
7 therapist licensed under the Marriage and Family Therapy
8 ~~Therapist~~ Licensing Act or licensed under the laws of
9 another state;

10 (B) has 400 hours of supervised experience in the
11 treatment or evaluation of sex offenders in the last 4
12 years, at least 200 of which are face-to-face therapy or
13 evaluation with sex offenders;

14 (C) has completed at least 10 sex offender evaluations
15 under supervision in the past 4 years; and

16 (D) has at least 40 hours of documented training in the
17 specialty of sex offender evaluation, treatment, or
18 management.

19 Until January 1, 2015, the requirements of subparagraphs
20 (B) and (D) of paragraph (2) of this subsection (a) are
21 satisfied if the applicant has been listed on the Sex Offender
22 Management Board's Approved Provider List for a minimum of 2
23 years before application for licensure. Until January 1, 2015,
24 the requirements of subparagraph (C) of paragraph (2) of this
25 subsection (a) are satisfied if the applicant has completed at
26 least 10 sex offender evaluations within the 4 years before

1 application for licensure.

2 (b)(1) A person is qualified for licensure as a sex
3 offender treatment provider if that person:

4 (A) has applied in writing on forms prepared and
5 furnished by the Department;

6 (B) has not engaged or is not engaged in any practice
7 or conduct that would be grounds for disciplining a
8 licensee under Section 75 of this Act; and

9 (C) satisfies the licensure and experience
10 requirements of paragraph (2) of this subsection (b).

11 (2) A person who applies to the Department shall be issued
12 a sex offender treatment provider license by the Department if
13 the person meets the qualifications set forth in paragraph (1)
14 of this subsection (b) and provides evidence to the Department
15 that the person:

16 (A) is a physician licensed to practice medicine in all
17 of its branches under the Medical Practice Act of 1987 or
18 licensed under the laws of another state; an advanced
19 practice nurse with psychiatric specialty licensed under
20 the Nurse Practice Act or licensed under the laws of
21 another state; a clinical psychologist licensed under the
22 Clinical Psychologist Licensing Act or licensed under the
23 laws of another state; a licensed clinical social worker
24 licensed under the Clinical Social Work and Social Work
25 Practice Act or licensed under the laws of another state; a
26 licensed clinical professional counselor licensed under

1 the Professional Counselor and Clinical Professional
2 Counselor Licensing and Practice Act or licensed under the
3 laws of another state; or a licensed marriage and family
4 therapist licensed under the Marriage and Family Therapy
5 ~~Therapist~~ Licensing Act or licensed under the laws of
6 another state;

7 (B) has 400 hours of supervised experience in the
8 treatment of sex offenders in the last 4 years, at least
9 200 of which are face-to-face therapy with sex offenders;
10 and

11 (C) has at least 40 hours documented training in the
12 specialty of sex offender evaluation, treatment, or
13 management.

14 Until January 1, 2015, the requirements of subparagraphs
15 (B) and (C) of paragraph (2) of this subsection (b) are
16 satisfied if the applicant has been listed on the Sex Offender
17 Management Board's Approved Provider List for a minimum of 2
18 years before application.

19 (c) (1) A person is qualified for licensure as an associate
20 sex offender provider if that person:

21 (A) has applied in writing on forms prepared and
22 furnished by the Department;

23 (B) has not engaged or is not engaged in any practice
24 or conduct that would be grounds for disciplining a
25 licensee under Section 75 of this Act; and

26 (C) satisfies the education and experience

1 requirements of paragraph (2) of this subsection (c).

2 (2) A person who applies to the Department shall be issued
3 an associate sex offender provider license by the Department if
4 the person meets the qualifications set forth in paragraph (1)
5 of this subsection (c) and provides evidence to the Department
6 that the person holds a master's degree or higher in social
7 work, psychology, marriage and family therapy, counseling or
8 closely related behavioral science degree, or psychiatry.

9 (Source: P.A. 97-1098, eff. 7-1-13; 98-612, eff. 12-27-13;
10 revised 9-14-16.)

11 Section 500. The Veterinary Medicine and Surgery Practice
12 Act of 2004 is amended by changing Section 19.2 as follows:

13 (225 ILCS 115/19.2)

14 (Section scheduled to be repealed on January 1, 2024)

15 Sec. 19.2. Patient requests for prescriptions. A
16 veterinarian ~~Veterinarians~~ shall honor a client's request for a
17 prescription in lieu of dispensing a drug when a
18 veterinarian-client-patient relationship exists and the
19 veterinarian has determined that the drug is medically
20 necessary.

21 (Source: P.A. 99-223, eff. 7-31-15; revised 10-27-16.)

22 Section 505. The Genetic Counselor Licensing Act is amended
23 by changing Sections 10 and 95 as follows:

1 (225 ILCS 135/10)

2 (Section scheduled to be repealed on January 1, 2025)

3 Sec. 10. Definitions. As used in this Act:

4 "ABGC" means the American Board of Genetic Counseling.

5 "ABMG" means the American Board of Medical Genetics.

6 "Active candidate status" is awarded to applicants who have
7 received approval from the ABGC or ABMG to sit for their
8 respective certification examinations.

9 "Address of record" means the designated address recorded
10 by the Department in the applicant's or licensee's application
11 file or license file as maintained by the Department's
12 licensure maintenance unit. It is the duty of the applicant or
13 licensee to inform the Department of any change of address, and
14 those changes must be made either through the Department's
15 website or by contacting the Department.

16 "Department" means the Department of Financial and
17 Professional Regulation.

18 "Genetic anomaly" means a variation in an individual's DNA
19 that has been shown to confer a genetically influenced disease
20 or predisposition to a genetically influenced disease or makes
21 a person a carrier of such variation. A "carrier" of a genetic
22 anomaly means a person who may or may not have a predisposition
23 or risk of incurring a genetically influenced condition and who
24 is at risk of having offspring with a genetically influenced
25 condition.

1 "Genetic counseling" means the provision of services,
2 which may include the ordering of genetic tests, to
3 individuals, couples, groups, families, and organizations by
4 one or more appropriately trained individuals to address the
5 physical and psychological issues associated with the
6 occurrence or risk of occurrence or recurrence of a genetic
7 disorder, birth defect, disease, or potentially inherited or
8 genetically influenced condition in an individual or a family.

9 "Genetic counseling" consists of the following:

10 (A) Estimating the likelihood of occurrence or
11 recurrence of a birth defect or of any potentially
12 inherited or genetically influenced condition. This
13 assessment may involve:

14 (i) obtaining and analyzing a complete health
15 history of the person and his or her family;

16 (ii) reviewing pertinent medical records;

17 (iii) evaluating the risks from exposure to
18 possible mutagens or teratogens;

19 (iv) recommending genetic testing or other
20 evaluations to diagnose a condition or determine the
21 carrier status of one or more family members;

22 (B) Helping the individual, family, health care
23 provider, or health care professional (i) appreciate the
24 medical, psychological and social implications of a
25 disorder, including its features, variability, usual
26 course and management options, (ii) learn how genetic

1 factors contribute to the disorder and affect the chance
2 for recurrence of the condition in other family members,
3 and (iii) understand available options for coping with,
4 preventing, or reducing the chance of occurrence or
5 recurrence of a condition.

6 (C) Facilitating an individual's or family's (i)
7 exploration of the perception of risk and burden associated
8 with the disorder and (ii) adjustment and adaptation to the
9 condition or their genetic risk by addressing needs for
10 psychological, social, and medical support.

11 "Genetic counselor" means a person licensed under this Act
12 to engage in the practice of genetic counseling.

13 "Genetic testing" and "genetic test" mean a test or
14 analysis of human genes, gene products, DNA, RNA, chromosomes,
15 proteins, or metabolites that detects genotypes, mutations,
16 chromosomal changes, abnormalities, or deficiencies, including
17 carrier status, that (i) are linked to physical or mental
18 disorders or impairments, (ii) indicate a susceptibility to
19 illness, disease, impairment, or other disorders, whether
20 physical or mental, or (iii) demonstrate genetic or chromosomal
21 damage due to environmental factors. "Genetic testing" and
22 "genetic tests" do not include routine physical measurements;
23 chemical, blood and urine analyses that are widely accepted and
24 in use in clinical practice; tests for use of drugs; tests for
25 the presence of the human immunodeficiency virus; analyses of
26 proteins or metabolites that do not detect genotypes,

1 mutations, chromosomal changes, abnormalities, or
2 deficiencies; or analyses of proteins or metabolites that are
3 directly related to a manifested disease, disorder, or
4 pathological condition that could reasonably be detected by a
5 health care professional with appropriate training and
6 expertise in the field of medicine involved.

7 "Person" means an individual, association, partnership, or
8 corporation.

9 "Qualified supervisor" means any person who is a licensed
10 genetic counselor, as defined by rule, or a physician licensed
11 to practice medicine in all its branches. A qualified
12 supervisor may be provided at the applicant's place of work, or
13 may be contracted by the applicant to provide supervision. The
14 qualified supervisor shall file written documentation with the
15 Department of employment, discharge, or supervisory control of
16 a genetic counselor at the time of employment, discharge, or
17 assumption of supervision of a genetic counselor.

18 "Secretary" means the Secretary of Financial and
19 Professional Regulation.

20 "Supervision" means review of aspects of genetic
21 counseling and case management in a bimonthly meeting with the
22 person under supervision.

23 (Source: P.A. 98-813, eff. 1-1-15; 99-173, eff. 7-29-15;
24 99-633, eff. 1-1-17; revised 10-27-16.)

1 (Section scheduled to be repealed on January 1, 2025)

2 Sec. 95. Grounds for discipline.

3 (a) The Department may refuse to issue, renew, or may
4 revoke, suspend, place on probation, reprimand, or take other
5 disciplinary or non-disciplinary action as the Department
6 deems appropriate, including the issuance of fines not to
7 exceed \$10,000 for each violation, with regard to any license
8 for any one or more of the following:

9 (1) Material misstatement in furnishing information to
10 the Department or to any other State agency.

11 (2) Violations or negligent or intentional disregard
12 of this Act, or any of its rules.

13 (3) Conviction by plea of guilty or nolo contendere,
14 finding of guilt, jury verdict, or entry of judgment or
15 sentencing, including, but not limited to, convictions,
16 preceding sentences of supervision, conditional discharge,
17 or first offender probation, under the laws of any
18 jurisdiction of the United States: (i) that is a felony or
19 (ii) that is a misdemeanor, an essential element of which
20 is dishonesty, or that is directly related to the practice
21 of genetic counseling.

22 (4) Making any misrepresentation for the purpose of
23 obtaining a license, or violating any provision of this Act
24 or its rules.

25 (5) Negligence in the rendering of genetic counseling
26 services.

1 (6) Failure to provide genetic testing results and any
2 requested information to a referring physician licensed to
3 practice medicine in all its branches, advanced practice
4 nurse, or physician assistant.

5 (7) Aiding or assisting another person in violating any
6 provision of this Act or any rules.

7 (8) Failing to provide information within 60 days in
8 response to a written request made by the Department.

9 (9) Engaging in dishonorable, unethical, or
10 unprofessional conduct of a character likely to deceive,
11 defraud, or harm the public and violating the rules of
12 professional conduct adopted by the Department.

13 (10) Failing to maintain the confidentiality of any
14 information received from a client, unless otherwise
15 authorized or required by law.

16 (10.5) Failure to maintain client records of services
17 provided and provide copies to clients upon request.

18 (11) Exploiting a client for personal advantage,
19 profit, or interest.

20 (12) Habitual or excessive use or addiction to alcohol,
21 narcotics, stimulants, or any other chemical agent or drug
22 which results in inability to practice with reasonable
23 skill, judgment, or safety.

24 (13) Discipline by another governmental agency or unit
25 of government, by any jurisdiction of the United States, or
26 by a foreign nation, if at least one of the grounds for the

1 discipline is the same or substantially equivalent to those
2 set forth in this Section.

3 (14) Directly or indirectly giving to or receiving from
4 any person, firm, corporation, partnership, or association
5 any fee, commission, rebate, or other form of compensation
6 for any professional service not actually rendered.
7 Nothing in this paragraph (14) affects any bona fide
8 independent contractor or employment arrangements among
9 health care professionals, health facilities, health care
10 providers, or other entities, except as otherwise
11 prohibited by law. Any employment arrangements may include
12 provisions for compensation, health insurance, pension, or
13 other employment benefits for the provision of services
14 within the scope of the licensee's practice under this Act.
15 Nothing in this paragraph (14) shall be construed to
16 require an employment arrangement to receive professional
17 fees for services rendered.

18 (15) A finding by the Department that the licensee,
19 after having the license placed on probationary status has
20 violated the terms of probation.

21 (16) Failing to refer a client to other health care
22 professionals when the licensee is unable or unwilling to
23 adequately support or serve the client.

24 (17) Willfully filing false reports relating to a
25 licensee's practice, including but not limited to false
26 records filed with federal or State agencies or

1 departments.

2 (18) Willfully failing to report an instance of
3 suspected child abuse or neglect as required by the Abused
4 and Neglected Child Reporting Act.

5 (19) Being named as a perpetrator in an indicated
6 report by the Department of Children and Family Services
7 pursuant to the Abused and Neglected Child Reporting Act,
8 and upon proof by clear and convincing evidence that the
9 licensee has caused a child to be an abused child or
10 neglected child as defined in the Abused and Neglected
11 Child Reporting Act.

12 (20) Physical or mental disability, including
13 deterioration through the aging process or loss of
14 abilities and skills which results in the inability to
15 practice the profession with reasonable judgment, skill,
16 or safety.

17 (21) Solicitation of professional services by using
18 false or misleading advertising.

19 (22) Failure to file a return, or to pay the tax,
20 penalty of interest shown in a filed return, or to pay any
21 final assessment of tax, penalty or interest, as required
22 by any tax Act administered by the Illinois Department of
23 Revenue or any successor agency or the Internal Revenue
24 Service or any successor agency.

25 (23) Fraud or making any misrepresentation in applying
26 for or procuring a license under this Act or in connection

1 with applying for renewal of a license under this Act.

2 (24) Practicing or attempting to practice under a name
3 other than the full name as shown on the license or any
4 other legally authorized name.

5 (25) Gross overcharging for professional services,
6 including filing statements for collection of fees or
7 monies for which services are not rendered.

8 (26) (Blank).

9 (27) Charging for professional services not rendered,
10 including filing false statements for the collection of
11 fees for which services are not rendered.

12 (28) Allowing one's license under this Act to be used
13 by an unlicensed person in violation of this Act.

14 (b) The Department shall deny, without hearing, any
15 application or renewal for a license under this Act to any
16 person who has defaulted on an educational loan guaranteed by
17 the Illinois Student State Assistance Commission; however, the
18 Department may issue a license or renewal if the person in
19 default has established a satisfactory repayment record as
20 determined by the Illinois Student Assistance Commission.

21 (c) The determination by a court that a licensee is subject
22 to involuntary admission or judicial admission as provided in
23 the Mental Health and Developmental Disabilities Code will
24 result in an automatic suspension of his or her license. The
25 suspension will end upon a finding by a court that the licensee
26 is no longer subject to involuntary admission or judicial

1 admission, the issuance of an order so finding and discharging
2 the patient, and the determination of the Secretary that the
3 licensee be allowed to resume professional practice.

4 (d) The Department may refuse to issue or renew or may
5 suspend without hearing the license of any person who fails to
6 file a return, to pay the tax penalty or interest shown in a
7 filed return, or to pay any final assessment of the tax,
8 penalty, or interest as required by any Act regarding the
9 payment of taxes administered by the Illinois Department of
10 Revenue until the requirements of the Act are satisfied in
11 accordance with subsection (g) of Section 2105-15 of the Civil
12 Administrative Code of Illinois.

13 (e) In cases where the Department of Healthcare and Family
14 Services has previously determined that a licensee or a
15 potential licensee is more than 30 days delinquent in the
16 payment of child support and has subsequently certified the
17 delinquency to the Department, the Department may refuse to
18 issue or renew or may revoke or suspend that person's license
19 or may take other disciplinary action against that person based
20 solely upon the certification of delinquency made by the
21 Department of Healthcare and Family Services in accordance with
22 item (5) of subsection (a) of Section 2105-15 of the Department
23 of Professional Regulation Law of the Civil Administrative Code
24 of Illinois.

25 (f) All fines or costs imposed under this Section shall be
26 paid within 60 days after the effective date of the order

1 imposing the fine or costs or in accordance with the terms set
2 forth in the order imposing the fine.

3 (Source: P.A. 98-813, eff. 1-1-15; 99-173, eff. 7-29-15;
4 99-633, eff. 1-1-17; revised 10-27-16.)

5 Section 510. The Private Sewage Disposal Licensing Act is
6 amended by changing Section 5 as follows:

7 (225 ILCS 225/5) (from Ch. 111 1/2, par. 116.305)

8 Sec. 5. (a) The Director shall issue a private sewage
9 system installation contractor license or a private sewage
10 disposal system pumping contractor license to persons applying
11 for such license who successfully pass a written examination
12 prepared by the Department and who pay the required annual
13 license fee in an amount determined by the Department. Each
14 person who holds a currently valid plumbing license issued
15 under the "~~Illinois Plumbing License Law~~", ~~as now or hereafter~~
16 ~~amended~~, shall not be required to pay the annual license fee
17 required by this Section, but such licensed person shall comply
18 with all other provisions of this Act, including the
19 requirement for examination for licensure.

20 (b) A license issued under this Act shall expire on
21 December 31 of the year issued, except that an original license
22 issued after October 1 and before December 31 shall expire on
23 December 31 of the following year.

24 The Department shall reinstate a license which expires

1 while a licensee is in the active military service of the
2 United States upon application to the Department by the former
3 licensee within 2 years after termination of such military
4 service, payment of the annual license fee, and submission of
5 evidence of such military service. Such license shall be
6 reinstated without examination and without payment of the
7 reinstatement fee.

8 (c) A private sewage disposal system pumping contractor or
9 a private sewage system installation contractor whose license
10 has expired for a period of less than 3 years may apply to the
11 Department for reinstatement of his license. The Department
12 shall issue such renewed license provided the applicant pays to
13 the Department all lapsed license fees, plus a reinstatement
14 fee determined by the Department. A license which has expired
15 for more than 3 years may be restored only by reapplying to
16 take the examination and by successfully passing the written
17 examination.

18 (Source: P.A. 85-1261; revised 9-14-16.)

19 Section 515. The Structural Pest Control Act is amended by
20 changing Section 3.14 as follows:

21 (225 ILCS 235/3.14) (from Ch. 111 1/2, par. 2203.14)

22 (Section scheduled to be repealed on December 31, 2019)

23 Sec. 3.14. "Restricted Pesticide" means any substance or
24 mixture of substances intended for preventing, destroying,

1 repelling, or mitigating any pest, the use of which has been
2 categorized as restricted under subparagraph (C) of paragraph
3 (1) of subsection (d) of Section 3 of the Federal Insecticide,
4 Fungicide, and Rodenticide Act as amended or under the Illinois
5 Pesticide Act.

6 (Source: P.A. 85-177; reenacted by P.A. 95-786, eff. 8-7-08;
7 revised 9-14-16.)

8 Section 520. The Interior Design Title Act is amended by
9 changing Section 21 as follows:

10 (225 ILCS 310/21) (from Ch. 111, par. 8221)

11 (Section scheduled to be repealed on January 1, 2022)

12 Sec. 21. Administrative Review Law. All final
13 administrative decisions ~~decision~~ of the Department are
14 subject to judicial review under the Administrative Review Law
15 and its rules. The term "administrative decision" is defined as
16 in Section 3-101 of the Code of Civil Procedure.

17 Proceedings for judicial review shall be commenced in the
18 circuit court of the county in which the party applying for
19 review resides, but if the party is not a resident of this
20 State, the venue shall be in Sangamon County.

21 The Department shall not be required to certify any record
22 to the court or file any answer in court or otherwise appear in
23 any court in a judicial review proceeding, unless there is
24 filed in the court with the complaint a receipt from the

1 Department acknowledging payment of the costs of furnishing and
2 certifying the record. Exhibits shall be certified without
3 cost. Failure on the part of the plaintiff to file a receipt in
4 court shall be grounds for dismissal of the action. During the
5 pendency and hearing of any and all judicial proceedings
6 incident to a disciplinary action, any sanctions imposed upon
7 the registrant by the Department shall remain in full force and
8 effect.

9 (Source: P.A. 86-1404; 87-1031; revised 9-14-16.)

10 Section 525. The Illinois Plumbing License Law is amended
11 by changing Section 3 as follows:

12 (225 ILCS 320/3) (from Ch. 111, par. 1103)

13 Sec. 3. (1) All planning and designing of plumbing systems
14 and all plumbing shall be performed only by plumbers licensed
15 under the provisions of this Act hereinafter called "licensed
16 plumbers" and "licensed apprentice plumbers". The inspection
17 of plumbing and plumbing systems shall be done only by the
18 sponsor or his or her agent who shall be an Illinois licensed
19 plumber. Nothing herein contained shall prohibit licensed
20 plumbers or licensed apprentice plumbers under supervision
21 from planning, designing, inspecting, installing, repairing,
22 maintaining, altering or extending building sewers in
23 accordance with this Act. No person who holds a license or
24 certificate of registration under the Illinois Architecture

1 Practice Act of 1989, or the Structural Engineering Practice
2 Act of 1989, or the Professional Engineering Practice Act of
3 1989 shall be prevented from planning and designing plumbing
4 systems. Each licensed plumber shall, as a condition of each
5 annual license renewal after the first license, provide proof
6 of completion of 4 hours of continuing education. Sponsors of
7 continuing education shall meet the criteria provided by the
8 Board of Plumbing Examiners and Plumbing Code advisory council.
9 Continuing education courses shall provide instruction in
10 plumbing, which is supervised directly by an Illinois licensed
11 plumber only.

12 (2) Nothing herein contained shall prohibit the owner
13 occupant or lessee occupant of a single family residence, or
14 the owner of a single family residence under construction for
15 his or her occupancy, from planning, installing, altering or
16 repairing the plumbing system of such residence, provided that
17 (i) such plumbing shall comply with the minimum standards for
18 plumbing contained in the Illinois State Plumbing Code, and
19 shall be subject to inspection by the Department or the local
20 governmental unit if it retains a licensed plumber as an
21 inspector; and (ii) such owner, owner occupant or lessee
22 occupant shall not employ other than a plumber licensed
23 pursuant to this Act to assist him or her.

24 For purposes of this subsection, a person shall be
25 considered an "occupant" if and only if he or she has taken
26 possession of and is living in the premises as his or her bona

1 fide sole and exclusive residence, or, in the case of an owner
2 of a single family residence under construction for his or her
3 occupancy, he or she expects to take possession of and live in
4 the premises as his or her bona fide sole and exclusive
5 residence, and he or she has a current intention to live in
6 such premises as his or her bona fide sole and exclusive
7 residence for a period of not less than 6 months after the
8 completion of the plumbing work performed pursuant to the
9 authorization of this subsection, or, in the case of an owner
10 of a single family residence under construction for his or her
11 occupancy, for a period of not less than 6 months after the
12 completion of construction of the residence. Failure to possess
13 and live in the premises as a sole and exclusive residence for
14 a period of 6 months or more shall create a rebuttable
15 presumption of a lack of such intention.

16 (3) The employees of a firm, association, partnership or
17 corporation who engage in plumbing shall be licensed plumbers
18 or licensed apprentice plumbers. At least one member of every
19 firm, association or partnership engaged in plumbing work, and
20 at least one corporate officer of every corporation engaged in
21 plumbing work, as the case may be, shall be a licensed plumber.
22 A retired plumber cannot fulfill the requirements of this
23 subsection (3). Plumbing contractors are also required to be
24 registered pursuant to the provisions of this Act.

25 Notwithstanding the provisions of this subsection (3), it
26 shall be lawful for an irrigation contractor registered under

1 Section 2.5 of this Act to employ or contract with one or more
2 licensed plumbers in connection with work on lawn sprinkler
3 systems pursuant to Section 2.5 of this Act.

4 (4) (a) A licensed apprentice plumber shall plan, design and
5 install plumbing only under the supervision of the sponsor or
6 his or her agent who is also an Illinois licensed plumber.

7 (b) An applicant for licensing as an apprentice plumber
8 shall be at least 16 years of age and apply on the application
9 form provided by the Department. Such application shall verify
10 that the applicant is sponsored by an Illinois licensed plumber
11 or an approved apprenticeship program and shall contain the
12 name and license number of the licensed plumber or program
13 sponsor.

14 (c) No licensed plumber shall sponsor more than 2 licensed
15 apprentice plumbers at the same time. If 2 licensed apprentice
16 plumbers are sponsored by a plumber at the same time, one of
17 the apprentices must have, at a minimum, 2 years experience as
18 a licensed apprentice. No licensed plumber sponsor or his or
19 her agent may supervise 2 licensed apprentices with less than 2
20 years experience at the same time. The sponsor or agent shall
21 supervise and be responsible for the plumbing performed by a
22 licensed apprentice.

23 (d) No agent shall supervise more than 2 licensed
24 apprentices at the same time.

25 (e) No licensed plumber may, in any capacity, supervise
26 more than 2 licensed apprentice plumbers at the same time.

1 (f) No approved apprenticeship program may sponsor more
2 licensed apprentices than 2 times the number of licensed
3 plumbers available to supervise those licensed apprentices.

4 (g) No approved apprenticeship program may sponsor more
5 licensed apprentices with less than 2 years experience than it
6 has licensed plumbers available to supervise those licensed
7 apprentices.

8 (h) No individual shall work as an apprentice plumber
9 unless he or she is properly licensed under this Act. The
10 Department shall issue an apprentice plumber's license to each
11 approved applicant.

12 (i) No licensed apprentice plumber shall serve more than a
13 6 year licensed apprenticeship period. If, upon completion of a
14 6 year licensed apprenticeship period, such licensed
15 apprentice plumber does not apply for the examination for a
16 plumber's license and successfully pass the examination for a
17 plumber's license, his or her apprentice plumber's license
18 shall not be renewed.

19 Nothing contained in Public Act P.A. 83-878, ~~entitled "An~~
20 ~~Act in relation to professions", approved September 26, 1983,~~
21 was intended by the General Assembly nor should it be construed
22 to require the employees of a governmental unit or privately
23 owned municipal water supplier who operate, maintain or repair
24 a water or sewer plant facility which is owned or operated by
25 such governmental unit or privately owned municipal water
26 supplier to be licensed plumbers under this Act. In addition,

1 nothing contained in Public Act P.A. 83-878 was intended by the
2 General Assembly nor should it be construed to permit persons
3 other than licensed plumbers to perform the installation,
4 repair, maintenance or replacement of plumbing fixtures, such
5 as toilet facilities, floor drains, showers and lavatories, and
6 the piping attendant to those fixtures, within such facility or
7 in the construction of a new facility.

8 Nothing contained in Public Act P.A. 83-878, ~~entitled "An~~
9 ~~Act in relation to professions", approved September 26, 1983,~~
10 was intended by the General Assembly nor should it be construed
11 to require the employees of a governmental unit or privately
12 owned municipal water supplier who install, repair or maintain
13 water service lines from water mains in the street, alley or
14 curb line to private property lines and who install, repair or
15 maintain water meters to be licensed plumbers under this Act if
16 such work was customarily performed prior to the effective date
17 of such Act by employees of such governmental unit or privately
18 owned municipal water supplier who were not licensed plumbers.
19 Any such work which was customarily performed prior to the
20 effective date of such Act by persons who were licensed
21 plumbers or subcontracted to persons who were licensed plumbers
22 must continue to be performed by persons who are licensed
23 plumbers or subcontracted to persons who are licensed plumbers.
24 When necessary under this Act, the Department shall make the
25 determination whether or not persons who are licensed plumbers
26 customarily performed such work.

1 (Source: P.A. 99-504, eff. 1-1-17; revised 9-14-16.)

2 Section 530. The Community Association Manager Licensing
3 and Disciplinary Act is amended by changing Section 10 as
4 follows:

5 (225 ILCS 427/10)

6 (Section scheduled to be repealed on January 1, 2020)

7 Sec. 10. Definitions. As used in this Act:

8 "Address of record" means the designated address recorded
9 by the Department in the applicant's or licensee's application
10 file or license file maintained by the Department's licensure
11 maintenance unit. It is the duty of the applicant or licensee
12 to inform the Department of any change of address, and such
13 changes must be made either through the Department's website or
14 by contacting the Department's licensure maintenance unit.

15 "Advertise" means, but is not limited to, issuing or
16 causing to be distributed any card, sign or device to any
17 person; or causing, permitting or allowing any sign or marking
18 on or in any building, structure, newspaper, magazine or
19 directory, or on radio or television; or advertising by any
20 other means designed to secure public attention.

21 "Board" means the ~~Illinois~~ Community Association Manager
22 Licensing and Disciplinary Board.

23 "Community association" means an association in which
24 membership is a condition of ownership or shareholder interest

1 of a unit in a condominium, cooperative, townhouse, villa, or
2 other residential unit which is part of a residential
3 development plan and that is authorized to impose an
4 assessment, rents, or other costs that may become a lien on the
5 unit or lot.

6 "Community association funds" means any assessments, fees,
7 fines, or other funds collected by the community association
8 manager from the community association, or its members, other
9 than the compensation paid to the community association manager
10 for performance of community association management services.

11 "Community association management firm" means a company,
12 corporation, limited liability company, or other entity that
13 engages in community association management services.

14 "Community association management services" means those
15 services listed in the definition of community association
16 manager in this Section.

17 "Community association manager" means an individual who
18 administers for remuneration the financial, administrative,
19 maintenance, or other duties for the community association,
20 including the following services: (A) collecting, controlling
21 or disbursing funds of the community association or having the
22 authority to do so; (B) preparing budgets or other financial
23 documents for the community association; (C) assisting in the
24 conduct of community association meetings; (D) maintaining
25 association records; and (E) administrating association
26 contracts, as stated in the declaration, bylaws, proprietary

1 lease, declaration of covenants, or other governing document of
2 the community association. "Community association manager"
3 does not mean support staff, including, but not limited to
4 bookkeepers, administrative assistants, secretaries, property
5 inspectors, or customer service representatives.

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

8 "License" means the license issued to a person,
9 corporation, partnership, limited liability company, or other
10 legal entity under this Act to provide community association
11 management services.

12 "Person" means any individual, corporation, partnership,
13 limited liability company, or other legal entity.

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

16 "Supervising community association manager" means an
17 individual licensed as a community association manager who
18 manages and supervises a firm.

19 (Source: P.A. 98-365, eff. 1-1-14; revised 10-27-16.)

20 Section 535. The Detection of Deception Examiners Act is
21 amended by changing Section 7.1 as follows:

22 (225 ILCS 430/7.1) (from Ch. 111, par. 2408)

23 (Section scheduled to be repealed on January 1, 2022)

24 Sec. 7.1. Administrative Procedure Act. The Illinois

1 Administrative Procedure Act is hereby expressly adopted and
2 incorporated herein as if all of the provisions of that Act
3 were included in this Act, except that the provision of
4 subsection (d) of Section 10-65 of the Illinois Administrative
5 Procedure Act that provides that at hearings the licensee has
6 the right to show compliance with all lawful requirements for
7 retention, continuation, or renewal of the license is
8 specifically excluded. For the purposes of this Act, the notice
9 required under Section 10-25 of the Illinois Administrative
10 Procedure Act is deemed sufficient when mailed to the last
11 known address of a party.

12 (Source: P.A. 88-45; revised 9-14-16.)

13 Section 540. The Real Estate Appraiser Licensing Act of
14 2002 is amended by changing Section 5-15 as follows:

15 (225 ILCS 458/5-15)

16 (Section scheduled to be repealed on January 1, 2022)

17 Sec. 5-15. Application for State certified residential
18 real estate appraiser. ~~(a)~~ Every person who desires to obtain a
19 State certified residential real estate appraiser license
20 shall:

21 (1) apply to the Department on forms provided by the
22 Department accompanied by the required fee;

23 (2) be at least 18 years of age;

24 (3) (blank);

1 (4) personally take and pass an examination authorized
2 by the Department and endorsed by the AQB;

3 (5) prior to taking the examination, provide evidence
4 to the Department, in Modular Course format, with each
5 module conforming to the Required Core Curriculum
6 established and adopted by the AQB, that he or she has
7 successfully completed the prerequisite classroom hours of
8 instruction in appraising as established by the AQB and by
9 rule; and

10 (6) prior to taking the examination, provide evidence
11 to the Department that he or she has successfully completed
12 the prerequisite experience and educational requirements
13 as established by AQB and by rule.

14 (Source: P.A. 98-1109, eff. 1-1-15; revised 9-16-16.)

15 Section 545. The Solicitation for Charity Act is amended by
16 changing Section 4 as follows:

17 (225 ILCS 460/4) (from Ch. 23, par. 5104)

18 Sec. 4. (a) Every charitable organization registered
19 pursuant to Section 2 of this Act which shall receive in any
20 12-month ~~12-month~~ period ending upon its established fiscal or
21 calendar year contributions in excess of \$300,000 and every
22 charitable organization whose fund raising functions are not
23 carried on solely by staff employees or persons who are unpaid
24 for such services, if the organization shall receive in any

1 12-month ~~12-month~~ period ending upon its established fiscal or
2 calendar year contributions in excess of \$25,000, shall file a
3 written report with the Attorney General upon forms prescribed
4 by him, on or before June 30 of each year if its books are kept
5 on a calendar basis, or within 6 months after the close of its
6 fiscal year if its books are kept on a fiscal year basis, which
7 written report shall include a financial statement covering the
8 immediately preceding 12-month ~~12-month~~ period of operation.
9 Such financial statement shall include a balance sheet and
10 statement of income and expense, and shall be consistent with
11 forms furnished by the Attorney General clearly setting forth
12 the following: gross receipts and gross income from all
13 sources, broken down into total receipts and income from each
14 separate solicitation project or source; cost of
15 administration; cost of solicitation; cost of programs
16 designed to inform or educate the public; funds or properties
17 transferred out of this State, with explanation as to recipient
18 and purpose; cost of fundraising; compensation paid to
19 trustees; and total net amount disbursed or dedicated for each
20 major purpose, charitable or otherwise. Such report shall also
21 include a statement of any changes in the information required
22 to be contained in the registration form filed on behalf of
23 such organization. The report shall be signed by the president
24 or other authorized officer and the chief fiscal officer of the
25 organization who shall certify that the statements therein are
26 true and correct to the best of their knowledge, and shall be

1 accompanied by an opinion signed by an independent certified
2 public accountant that the financial statement therein fairly
3 represents the financial operations of the organization in
4 sufficient detail to permit public evaluation of its
5 operations. Said opinion may be relied upon by the Attorney
6 General.

7 (b) Every organization registered pursuant to Section 2 of
8 this Act which shall receive in any 12-month ~~12-month~~ period
9 ending upon its established fiscal or calendar year of any year
10 contributions:

11 (1) in excess of \$15,000, but not in excess of \$25,000,
12 during a fiscal year shall file only a simplified summary
13 financial statement disclosing only the gross receipts,
14 total disbursements, and assets on hand at the end of the
15 year on forms prescribed by the Attorney General; or

16 (2) in excess of \$25,000, but not in excess of
17 \$300,000, if it is not required to submit a report under
18 subsection (a) of this Section, shall file a written report
19 with the Attorney General upon forms prescribed by him, on
20 or before June 30 of each year if its books are kept on a
21 calendar basis, or within 6 months after the close of its
22 fiscal year if its books are kept on a fiscal year basis,
23 which shall include a financial statement covering the
24 immediately preceding 12-month period of operation limited
25 to a statement of such organization's gross receipts from
26 contributions, the gross amount expended for charitable

1 educational programs, other charitable programs,
2 management expense, and fund raising expenses including a
3 separate statement of the cost of any goods, services or
4 admissions supplied as part of its solicitations, and the
5 disposition of the net proceeds from contributions,
6 including compensation paid to trustees, consistent with
7 forms furnished by the Attorney General. Such report shall
8 also include a statement of any changes in the information
9 required to be contained in the registration form filed on
10 behalf of such organization. The report shall be signed by
11 the president or other authorized officer and the chief
12 fiscal officer of the organization who shall certify that
13 the statements therein are true and correct to the best of
14 their knowledge.

15 (c) For any fiscal or calendar year of any organization
16 registered pursuant to Section 2 of this Act in which such
17 organization would have been exempt from registration pursuant
18 to Section 3 of this Act if it had not been so registered, or in
19 which it did not solicit or receive contributions, such
20 organization shall file, on or before June 30 of each year if
21 its books are kept on a calendar basis, or within 6 months
22 after the close of its fiscal year if its books are kept on a
23 fiscal year basis, instead of the reports required by
24 subdivisions (a) or (b) of this Section, a statement certified
25 under penalty of perjury by its president and chief fiscal
26 officer stating the exemption and the facts upon which it is

1 based or that such organization did not solicit or receive
2 contributions in such fiscal year. The statement shall also
3 include a statement of any changes in the information required
4 to be contained in the registration form filed on behalf of
5 such organization.

6 (d) As an alternative means of satisfying the duties and
7 obligations otherwise imposed by this Section, any veterans
8 organization chartered or incorporated under federal law and
9 any veterans organization which is affiliated with, and
10 recognized in the bylaws of, a congressionally chartered or
11 incorporated organization may, at its option, annually file
12 with the Attorney General the following documents:

13 (1) A copy of its Form 990, as filed with the Internal
14 Revenue Service.

15 (2) Copies of any reports required to be filed by the
16 affiliate with the congressionally chartered or
17 incorporated veterans organization, as well as copies of
18 any reports filed by the congressionally chartered or
19 incorporated veterans organization with the government of
20 the United States pursuant to federal law.

21 (3) Copies of all contracts entered into by the
22 congressionally chartered or incorporated veterans
23 organization or its affiliate for purposes of raising funds
24 in this State, such copies to be filed with the Attorney
25 General no more than 30 days after execution of the
26 contracts.

1 (e) As an alternative means of satisfying all of the duties
2 and obligations otherwise imposed by this Section, any person,
3 pursuant to a contract with a charitable organization, a
4 veterans organization or an affiliate described or referred to
5 in subsection (d), who receives, collects, holds or transports
6 as the agent of the organization or affiliate for purposes of
7 resale any used or second hand personal property, including but
8 not limited to household goods, furniture or clothing donated
9 to the organization or affiliate may, at its option, annually
10 file with the Attorney General the following documents,
11 accompanied by an annual filing fee of \$15:

12 (1) A notarized report including the number of
13 donations of personal property it has received on behalf of
14 the charitable organization, veterans organization or
15 affiliate during the preceding ~~proceeding~~ year. For
16 purposes of this report, the number of donations of
17 personal property shall refer to the number of stops or
18 pickups made regardless of the number of items received at
19 each stop or pickup. The report may cover the person's
20 fiscal year, in which case it shall be filed with the
21 Attorney General no later than 90 days after the close of
22 that fiscal year.

23 (2) All contracts with the charitable organization,
24 veterans organization or affiliate under which the person
25 has acted as an agent for the purposes listed above.

26 (3) All contracts by which the person agreed to pay the

1 charitable organization, veterans organization or
2 affiliate a fixed amount for, or a fixed percentage of the
3 value of, each donation of used or second hand personal
4 property. Copies of all such contracts shall be filed no
5 later than 30 days after they are executed.

6 (f) The Attorney General may seek appropriate equitable
7 relief from a court or, in his discretion, cancel the
8 registration of any organization which fails to comply with
9 subdivision (a), (b), l or (c) of this Section within the time
10 therein prescribed, or fails to furnish such additional
11 information as is requested by the Attorney General within the
12 required time; except that the time may be extended by the
13 Attorney General for a period not to exceed 60 days upon a
14 timely written request and for good cause stated. Unless
15 otherwise stated herein, the Attorney General shall, by rule,
16 set forth the standards used to determine whether a
17 registration shall be cancelled as authorized by this
18 subsection. Such standards shall be stated as precisely and
19 clearly as practicable, to inform fully those persons affected.
20 Notice of such cancellation shall be mailed to the registrant
21 at least 15 days before the effective date thereof.

22 (g) The Attorney General in his discretion may, pursuant to
23 rule, accept executed copies of federal Internal Revenue
24 returns and reports as a portion of the foregoing annual
25 reporting in the interest of minimizing paperwork, except there
26 shall be no substitute for the independent certified public

1 accountant audit opinion required by this Act.

2 (h) The Attorney General after canceling the registration
3 of any trust or organization which fails to comply with this
4 Section within the time therein prescribed may by court
5 proceedings, in addition to all other relief, seek to collect
6 the assets and distribute such under court supervision to other
7 charitable purposes.

8 (i) Every trustee, person, and organization required to
9 file an annual report shall pay a filing fee of \$15 with each
10 annual financial report filed pursuant to this Section. If a
11 proper and complete annual report is not timely filed, a late
12 filing fee of an additional \$100 is imposed and shall be paid
13 as a condition of filing a late report. Reports submitted
14 without the proper fee shall not be accepted for filing.
15 Payment of the late filing fee and acceptance by the Attorney
16 General shall both be conditions of filing a late report. All
17 late filing fees shall be used to provide charitable trust
18 enforcement and dissemination of charitable trust information
19 to the public and shall be maintained in a separate fund for
20 such purpose known as the Illinois Charity Bureau Fund.

21 (j) There is created hereby a separate special fund in the
22 State Treasury to be known as the Illinois Charity Bureau Fund.
23 That Fund shall be under the control of the Attorney General,
24 and the funds, fees, and penalties deposited therein shall be
25 used by the Attorney General to enforce the provisions of this
26 Act and to gather and disseminate information about charitable

1 trustees and organizations to the public.

2 (Source: P.A. 96-488, eff. 1-1-10; revised 10-27-16.)

3 Section 550. The Coal Mining Act is amended by changing
4 Section 25.05 as follows:

5 (225 ILCS 705/25.05) (from Ch. 96 1/2, par. 2505)

6 Sec. 25.05. The person to whom multi-gas detectors are
7 given shall be responsible for the condition and proper use of
8 the multi-gas detectors while in their possession.

9 (Source: P.A. 99-538, eff. 1-1-17; revised 9-16-16.)

10 Section 555. The Surface-Mined Land Conservation and
11 Reclamation Act is amended by changing Section 8 as follows:

12 (225 ILCS 715/8) (from Ch. 96 1/2, par. 4509)

13 Sec. 8. Bond of operator; amount; sufficiency of surety;
14 violations; compliance. Any bond herein provided to be filed
15 with the Department by the operator shall be in such form as
16 the Director prescribes, payable to the People of the State of
17 Illinois, conditioned that the operator shall faithfully
18 perform all requirements of this Act and comply with all rules
19 of the Department made in accordance with the provisions of
20 this Act. Such bond shall be signed by the operator as
21 principal, and by a good and sufficient corporate surety,
22 licensed to do business in Illinois, as surety. The penalty of

1 such bond shall be an amount between \$600 and \$10,000 per acre
2 as determined by the Director for lands to be affected by
3 surface mining, including slurry and gob disposal areas. Under
4 circumstances where a written agreement between the operator
5 and a third party requires ~~require~~ overburden to be removed,
6 replaced, graded, and seeded in a manner that the necessary
7 bond penalty exceeds \$10,000 per acre, the Department shall
8 require a bond amount sufficient to ensure the completion of
9 the reclamation plan specified in the approved permit in the
10 event of forfeiture. In no case shall the bond for the entire
11 area under one permit be less than \$600 per acre or \$3,000,
12 whichever is greater. Areas used for the disposal of slurry and
13 gob shall continue under bond so long as they are in active
14 use. In lieu of such bonds, the operator may deposit any
15 combination of cash, certificates of deposits, government
16 securities, or irrevocable letters of credit with the
17 Department in an amount equal to that of the required surety
18 bond on conditions as prescribed in this Section. The penalty
19 of the bond or amount of other security shall be increased or
20 reduced from time to time as provided in this Act. Such bond or
21 security shall remain in effect until the affected lands have
22 been reclaimed, approved, and released by the Department except
23 that when the Department determines that grading and covering
24 with materials capable of supporting vegetation in accordance
25 with the plan has been satisfactorily completed, the Department
26 shall release the bond or security except the amount of \$100

1 per acre which shall be retained by the Department until the
2 reclamation according to Section 6 of this Act has been
3 completed. Where an anticipated water impoundment has been
4 approved by the Department in the reclamation plan, and the
5 Department determines the impoundment will be satisfactorily
6 completed upon completion of the operation, the bond covering
7 such anticipated water impoundment area shall be released.

8 A bond filed as above prescribed shall not be cancelled by
9 the surety except after not less than 90 days' notice to the
10 Department.

11 If the license to do business in Illinois of any surety
12 upon a bond filed with the Department pursuant to this Act
13 shall be suspended or revoked, the operator, within 30 days
14 after receiving notice thereof from the Department, shall
15 substitute for such surety a good and sufficient corporate
16 surety licensed to do business in Illinois. Upon failure of the
17 operator to make substitution of surety as herein provided, the
18 Department shall have the right to suspend the permit of the
19 operator until such substitution has been made.

20 The Department shall give written notice to the operator of
21 any violation of this Act or non-compliance with any of the
22 rules and regulations promulgated by the Department hereunder
23 and if corrective measures, approved by the Department, are not
24 commenced within 45 days, the Department may proceed as
25 provided in Section 11 of this Act to request forfeiture of the
26 bond or security. The forfeiture shall be the amount of bond or

1 security in effect at the time of default for each acre or
2 portion thereof with respect to which the operator has
3 defaulted. Such forfeiture shall fully satisfy all obligations
4 of the operator to reclaim the affected land under the
5 provisions of this Act.

6 The Department shall have the power to reclaim, in keeping
7 with the provisions of this Act, any affected land with respect
8 to which a bond has been forfeited.

9 Whenever an operator shall have completed all requirements
10 under the provisions of this Act as to any affected land, he
11 shall notify the Department thereof. If the Department
12 determines that the operator has completed reclamation
13 requirements and refuse disposal requirements and has achieved
14 results appropriate to the use for which the area was
15 reclaimed, the Department shall release the operator from
16 further obligations regarding such affected land and the
17 penalty of the bond shall be reduced proportionately.

18 Bonding aggregate mining operations under permit by the
19 State is an exclusive power and function of the State. A home
20 rule unit may not require bonding of aggregate mining
21 operations under permit by the State. This provision is a
22 denial and limitation of home rule powers and functions under
23 subsection (h) of Section 6 of Article VII of the Illinois
24 Constitution of 1970.

25 (Source: P.A. 99-224, eff. 1-1-16; revised 9-16-16.)

1 Section 560. The Illinois Horse Racing Act of 1975 is
2 amended by changing Sections 26, 26.2, 32.1, and 40 as follows:

3 (230 ILCS 5/26) (from Ch. 8, par. 37-26)

4 Sec. 26. Wagering.

5 (a) Any licensee may conduct and supervise the pari-mutuel
6 system of wagering, as defined in Section 3.12 of this Act, on
7 horse races conducted by an Illinois organization licensee or
8 conducted at a racetrack located in another state or country
9 and televised in Illinois in accordance with subsection (g) of
10 Section 26 of this Act. Subject to the prior consent of the
11 Board, licensees may supplement any pari-mutuel pool in order
12 to guarantee a minimum distribution. Such pari-mutuel method of
13 wagering shall not, under any circumstances if conducted under
14 the provisions of this Act, be held or construed to be
15 unlawful, other statutes of this State to the contrary
16 notwithstanding. Subject to rules for advance wagering
17 promulgated by the Board, any licensee may accept wagers in
18 advance of the day of the race wagered upon occurs.

19 (b) No other method of betting, pool making, wagering or
20 gambling shall be used or permitted by the licensee. Each
21 licensee may retain, subject to the payment of all applicable
22 taxes and purses, an amount not to exceed 17% of all money
23 wagered under subsection (a) of this Section, except as may
24 otherwise be permitted under this Act.

25 (b-5) An individual may place a wager under the pari-mutuel

1 system from any licensed location authorized under this Act
2 provided that wager is electronically recorded in the manner
3 described in Section 3.12 of this Act. Any wager made
4 electronically by an individual while physically on the
5 premises of a licensee shall be deemed to have been made at the
6 premises of that licensee.

7 (c) Until January 1, 2000, the sum held by any licensee for
8 payment of outstanding pari-mutuel tickets, if unclaimed prior
9 to December 31 of the next year, shall be retained by the
10 licensee for payment of such tickets until that date. Within 10
11 days thereafter, the balance of such sum remaining unclaimed,
12 less any uncashed supplements contributed by such licensee for
13 the purpose of guaranteeing minimum distributions of any
14 pari-mutuel pool, shall be paid to the Illinois Veterans'
15 Rehabilitation Fund of the State treasury, except as provided
16 in subsection (g) of Section 27 of this Act.

17 (c-5) Beginning January 1, 2000, the sum held by any
18 licensee for payment of outstanding pari-mutuel tickets, if
19 unclaimed prior to December 31 of the next year, shall be
20 retained by the licensee for payment of such tickets until that
21 date. Within 10 days thereafter, the balance of such sum
22 remaining unclaimed, less any uncashed supplements contributed
23 by such licensee for the purpose of guaranteeing minimum
24 distributions of any pari-mutuel pool, shall be evenly
25 distributed to the purse account of the organization licensee
26 and the organization licensee.

1 (d) A pari-mutuel ticket shall be honored until December 31
2 of the next calendar year, and the licensee shall pay the same
3 and may charge the amount thereof against unpaid money
4 similarly accumulated on account of pari-mutuel tickets not
5 presented for payment.

6 (e) No licensee shall knowingly permit any minor, other
7 than an employee of such licensee or an owner, trainer, jockey,
8 driver, or employee thereof, to be admitted during a racing
9 program unless accompanied by a parent or guardian, or any
10 minor to be a patron of the pari-mutuel system of wagering
11 conducted or supervised by it. The admission of any
12 unaccompanied minor, other than an employee of the licensee or
13 an owner, trainer, jockey, driver, or employee thereof at a
14 race track is a Class C misdemeanor.

15 (f) Notwithstanding the other provisions of this Act, an
16 organization licensee may contract with an entity in another
17 state or country to permit any legal wagering entity in another
18 state or country to accept wagers solely within such other
19 state or country on races conducted by the organization
20 licensee in this State. Beginning January 1, 2000, these wagers
21 shall not be subject to State taxation. Until January 1, 2000,
22 when the out-of-State entity conducts a pari-mutuel pool
23 separate from the organization licensee, a privilege tax equal
24 to 7 1/2% of all monies received by the organization licensee
25 from entities in other states or countries pursuant to such
26 contracts is imposed on the organization licensee, and such

1 privilege tax shall be remitted to the Department of Revenue
2 within 48 hours of receipt of the moneys from the simulcast.
3 When the out-of-State entity conducts a combined pari-mutuel
4 pool with the organization licensee, the tax shall be 10% of
5 all monies received by the organization licensee with 25% of
6 the receipts from this 10% tax to be distributed to the county
7 in which the race was conducted.

8 An organization licensee may permit one or more of its
9 races to be utilized for pari-mutuel wagering at one or more
10 locations in other states and may transmit audio and visual
11 signals of races the organization licensee conducts to one or
12 more locations outside the State or country and may also permit
13 pari-mutuel pools in other states or countries to be combined
14 with its gross or net wagering pools or with wagering pools
15 established by other states.

16 (g) A host track may accept interstate simulcast wagers on
17 horse races conducted in other states or countries and shall
18 control the number of signals and types of breeds of racing in
19 its simulcast program, subject to the disapproval of the Board.
20 The Board may prohibit a simulcast program only if it finds
21 that the simulcast program is clearly adverse to the integrity
22 of racing. The host track simulcast program shall include the
23 signal of live racing of all organization licensees. All
24 non-host licensees and advance deposit wagering licensees
25 shall carry the signal of and accept wagers on live racing of
26 all organization licensees. Advance deposit wagering licensees

1 shall not be permitted to accept out-of-state wagers on any
2 Illinois signal provided pursuant to this Section without the
3 approval and consent of the organization licensee providing the
4 signal. For one year after August 15, 2014 (the effective date
5 of Public Act 98-968) ~~this amendatory Act of the 98th General~~
6 ~~Assembly~~, non-host licensees may carry the host track simulcast
7 program and shall accept wagers on all races included as part
8 of the simulcast program of horse races conducted at race
9 tracks located within North America upon which wagering is
10 permitted. For a period of one year after August 15, 2014 (the
11 effective date of Public Act 98-968) ~~this amendatory Act of the~~
12 ~~98th General Assembly~~, on horse races conducted at race tracks
13 located outside of North America, non-host licensees may accept
14 wagers on all races included as part of the simulcast program
15 upon which wagering is permitted. Beginning August 15, 2015
16 (one year after the effective date of Public Act 98-968) ~~this~~
17 ~~amendatory Act of the 98th General Assembly~~, non-host licensees
18 may carry the host track simulcast program and shall accept
19 wagers on all races included as part of the simulcast program
20 upon which wagering is permitted. All organization licensees
21 shall provide their live signal to all advance deposit wagering
22 licensees for a simulcast commission fee not to exceed 6% of
23 the advance deposit wagering licensee's Illinois handle on the
24 organization licensee's signal without prior approval by the
25 Board. The Board may adopt rules under which it may permit
26 simulcast commission fees in excess of 6%. The Board shall

1 adopt rules limiting the interstate commission fees charged to
2 an advance deposit wagering licensee. The Board shall adopt
3 rules regarding advance deposit wagering on interstate
4 simulcast races that shall reflect, among other things, the
5 General Assembly's desire to maximize revenues to the State,
6 horsemen purses, and organizational licensees. However,
7 organization licensees providing live signals pursuant to the
8 requirements of this subsection (g) may petition the Board to
9 withhold their live signals from an advance deposit wagering
10 licensee if the organization licensee discovers and the Board
11 finds reputable or credible information that the advance
12 deposit wagering licensee is under investigation by another
13 state or federal governmental agency, the advance deposit
14 wagering licensee's license has been suspended in another
15 state, or the advance deposit wagering licensee's license is in
16 revocation proceedings in another state. The organization
17 licensee's provision of their live signal to an advance deposit
18 wagering licensee under this subsection (g) pertains to wagers
19 placed from within Illinois. Advance deposit wagering
20 licensees may place advance deposit wagering terminals at
21 wagering facilities as a convenience to customers. The advance
22 deposit wagering licensee shall not charge or collect any fee
23 from purses for the placement of the advance deposit wagering
24 terminals. The costs and expenses of the host track and
25 non-host licensees associated with interstate simulcast
26 wagering, other than the interstate commission fee, shall be

1 borne by the host track and all non-host licensees incurring
2 these costs. The interstate commission fee shall not exceed 5%
3 of Illinois handle on the interstate simulcast race or races
4 without prior approval of the Board. The Board shall promulgate
5 rules under which it may permit interstate commission fees in
6 excess of 5%. The interstate commission fee and other fees
7 charged by the sending racetrack, including, but not limited
8 to, satellite decoder fees, shall be uniformly applied to the
9 host track and all non-host licensees.

10 Notwithstanding any other provision of this Act, through
11 December 31, 2018, an organization licensee, with the consent
12 of the horsemen association representing the largest number of
13 owners, trainers, jockeys, or standardbred drivers who race
14 horses at that organization licensee's racing meeting, may
15 maintain a system whereby advance deposit wagering may take
16 place or an organization licensee, with the consent of the
17 horsemen association representing the largest number of
18 owners, trainers, jockeys, or standardbred drivers who race
19 horses at that organization licensee's racing meeting, may
20 contract with another person to carry out a system of advance
21 deposit wagering. Such consent may not be unreasonably
22 withheld. Only with respect to an appeal to the Board that
23 consent for an organization licensee that maintains its own
24 advance deposit wagering system is being unreasonably
25 withheld, the Board shall issue a final order within 30 days
26 after initiation of the appeal, and the organization licensee's

1 advance deposit wagering system may remain operational during
2 that 30-day period. The actions of any organization licensee
3 who conducts advance deposit wagering or any person who has a
4 contract with an organization licensee to conduct advance
5 deposit wagering who conducts advance deposit wagering on or
6 after January 1, 2013 and prior to June 7, 2013 (the effective
7 date of Public Act 98-18) ~~this amendatory Act of the 98th~~
8 ~~General Assembly~~ taken in reliance on the changes made to this
9 subsection (g) by Public Act 98-18 ~~this amendatory Act of the~~
10 ~~98th General Assembly~~ are hereby validated, provided payment of
11 all applicable pari-mutuel taxes are remitted to the Board. All
12 advance deposit wagers placed from within Illinois must be
13 placed through a Board-approved advance deposit wagering
14 licensee; no other entity may accept an advance deposit wager
15 from a person within Illinois. All advance deposit wagering is
16 subject to any rules adopted by the Board. The Board may adopt
17 rules necessary to regulate advance deposit wagering through
18 the use of emergency rulemaking in accordance with Section 5-45
19 of the Illinois Administrative Procedure Act. The General
20 Assembly finds that the adoption of rules to regulate advance
21 deposit wagering is deemed an emergency and necessary for the
22 public interest, safety, and welfare. An advance deposit
23 wagering licensee may retain all moneys as agreed to by
24 contract with an organization licensee. Any moneys retained by
25 the organization licensee from advance deposit wagering, not
26 including moneys retained by the advance deposit wagering

1 licensee, shall be paid 50% to the organization licensee's
2 purse account and 50% to the organization licensee. With the
3 exception of any organization licensee that is owned by a
4 publicly traded company that is incorporated in a state other
5 than Illinois and advance deposit wagering licensees under
6 contract with such organization licensees, organization
7 licensees that maintain advance deposit wagering systems and
8 advance deposit wagering licensees that contract with
9 organization licensees shall provide sufficiently detailed
10 monthly accountings to the horsemen association representing
11 the largest number of owners, trainers, jockeys, or
12 standardbred drivers who race horses at that organization
13 licensee's racing meeting so that the horsemen association, as
14 an interested party, can confirm the accuracy of the amounts
15 paid to the purse account at the horsemen association's
16 affiliated organization licensee from advance deposit
17 wagering. If more than one breed races at the same race track
18 facility, then the 50% of the moneys to be paid to an
19 organization licensee's purse account shall be allocated among
20 all organization licensees' purse accounts operating at that
21 race track facility proportionately based on the actual number
22 of host days that the Board grants to that breed at that race
23 track facility in the current calendar year. To the extent any
24 fees from advance deposit wagering conducted in Illinois for
25 wagers in Illinois or other states have been placed in escrow
26 or otherwise withheld from wagers pending a determination of

1 the legality of advance deposit wagering, no action shall be
2 brought to declare such wagers or the disbursement of any fees
3 previously escrowed illegal.

4 (1) Between the hours of 6:30 a.m. and 6:30 p.m. an
5 inter-track ~~intertrack~~ wagering licensee other than the
6 host track may supplement the host track simulcast program
7 with additional simulcast races or race programs, provided
8 that between January 1 and the third Friday in February of
9 any year, inclusive, if no live thoroughbred racing is
10 occurring in Illinois during this period, only
11 thoroughbred races may be used for supplemental interstate
12 simulcast purposes. The Board shall withhold approval for a
13 supplemental interstate simulcast only if it finds that the
14 simulcast is clearly adverse to the integrity of racing. A
15 supplemental interstate simulcast may be transmitted from
16 an inter-track ~~intertrack~~ wagering licensee to its
17 affiliated non-host licensees. The interstate commission
18 fee for a supplemental interstate simulcast shall be paid
19 by the non-host licensee and its affiliated non-host
20 licensees receiving the simulcast.

21 (2) Between the hours of 6:30 p.m. and 6:30 a.m. an
22 inter-track ~~intertrack~~ wagering licensee other than the
23 host track may receive supplemental interstate simulcasts
24 only with the consent of the host track, except when the
25 Board finds that the simulcast is clearly adverse to the
26 integrity of racing. Consent granted under this paragraph

1 (2) to any inter-track ~~intertrack~~ wagering licensee shall
2 be deemed consent to all non-host licensees. The interstate
3 commission fee for the supplemental interstate simulcast
4 shall be paid by all participating non-host licensees.

5 (3) Each licensee conducting interstate simulcast
6 wagering may retain, subject to the payment of all
7 applicable taxes and the purses, an amount not to exceed
8 17% of all money wagered. If any licensee conducts the
9 pari-mutuel system wagering on races conducted at
10 racetracks in another state or country, each such race or
11 race program shall be considered a separate racing day for
12 the purpose of determining the daily handle and computing
13 the privilege tax of that daily handle as provided in
14 subsection (a) of Section 27. Until January 1, 2000, from
15 the sums permitted to be retained pursuant to this
16 subsection, each inter-track ~~intertrack~~ wagering location
17 licensee shall pay 1% of the pari-mutuel handle wagered on
18 simulcast wagering to the Horse Racing Tax Allocation Fund,
19 subject to the provisions of subparagraph (B) of paragraph
20 (11) of subsection (h) of Section 26 of this Act.

21 (4) A licensee who receives an interstate simulcast may
22 combine its gross or net pools with pools at the sending
23 racetracks pursuant to rules established by the Board. All
24 licensees combining their gross pools at a sending
25 racetrack shall adopt the take-out percentages of the
26 sending racetrack. A licensee may also establish a separate

1 pool and takeout structure for wagering purposes on races
2 conducted at race tracks outside of the State of Illinois.
3 The licensee may permit pari-mutuel wagers placed in other
4 states or countries to be combined with its gross or net
5 wagering pools or other wagering pools.

6 (5) After the payment of the interstate commission fee
7 (except for the interstate commission fee on a supplemental
8 interstate simulcast, which shall be paid by the host track
9 and by each non-host licensee through the host-track) and
10 all applicable State and local taxes, except as provided in
11 subsection (g) of Section 27 of this Act, the remainder of
12 moneys retained from simulcast wagering pursuant to this
13 subsection (g), and Section 26.2 shall be divided as
14 follows:

15 (A) For interstate simulcast wagers made at a host
16 track, 50% to the host track and 50% to purses at the
17 host track.

18 (B) For wagers placed on interstate simulcast
19 races, supplemental simulcasts as defined in
20 subparagraphs (1) and (2), and separately pooled races
21 conducted outside of the State of Illinois made at a
22 non-host licensee, 25% to the host track, 25% to the
23 non-host licensee, and 50% to the purses at the host
24 track.

25 (6) Notwithstanding any provision in this Act to the
26 contrary, non-host licensees who derive their licenses

1 from a track located in a county with a population in
2 excess of 230,000 and that borders the Mississippi River
3 may receive supplemental interstate simulcast races at all
4 times subject to Board approval, which shall be withheld
5 only upon a finding that a supplemental interstate
6 simulcast is clearly adverse to the integrity of racing.

7 (7) Notwithstanding any provision of this Act to the
8 contrary, after payment of all applicable State and local
9 taxes and interstate commission fees, non-host licensees
10 who derive their licenses from a track located in a county
11 with a population in excess of 230,000 and that borders the
12 Mississippi River shall retain 50% of the retention from
13 interstate simulcast wagers and shall pay 50% to purses at
14 the track from which the non-host licensee derives its
15 license as follows:

16 (A) Between January 1 and the third Friday in
17 February, inclusive, if no live thoroughbred racing is
18 occurring in Illinois during this period, when the
19 interstate simulcast is a standardbred race, the purse
20 share to its standardbred purse account;

21 (B) Between January 1 and the third Friday in
22 February, inclusive, if no live thoroughbred racing is
23 occurring in Illinois during this period, and the
24 interstate simulcast is a thoroughbred race, the purse
25 share to its interstate simulcast purse pool to be
26 distributed under paragraph (10) of this subsection

1 (g);

2 (C) Between January 1 and the third Friday in
3 February, inclusive, if live thoroughbred racing is
4 occurring in Illinois, between 6:30 a.m. and 6:30 p.m.
5 the purse share from wagers made during this time
6 period to its thoroughbred purse account and between
7 6:30 p.m. and 6:30 a.m. the purse share from wagers
8 made during this time period to its standardbred purse
9 accounts;

10 (D) Between the third Saturday in February and
11 December 31, when the interstate simulcast occurs
12 between the hours of 6:30 a.m. and 6:30 p.m., the purse
13 share to its thoroughbred purse account;

14 (E) Between the third Saturday in February and
15 December 31, when the interstate simulcast occurs
16 between the hours of 6:30 p.m. and 6:30 a.m., the purse
17 share to its standardbred purse account.

18 (7.1) Notwithstanding any other provision of this Act
19 to the contrary, if no standardbred racing is conducted at
20 a racetrack located in Madison County during any calendar
21 year beginning on or after January 1, 2002, all moneys
22 derived by that racetrack from simulcast wagering and
23 inter-track wagering that (1) are to be used for purses and
24 (2) are generated between the hours of 6:30 p.m. and 6:30
25 a.m. during that calendar year shall be paid as follows:

26 (A) If the licensee that conducts horse racing at

1 that racetrack requests from the Board at least as many
2 racing dates as were conducted in calendar year 2000,
3 80% shall be paid to its thoroughbred purse account;
4 and

5 (B) Twenty percent shall be deposited into the
6 Illinois Colt Stakes Purse Distribution Fund and shall
7 be paid to purses for standardbred races for Illinois
8 conceived and foaled horses conducted at any county
9 fairgrounds. The moneys deposited into the Fund
10 pursuant to this subparagraph (B) shall be deposited
11 within 2 weeks after the day they were generated, shall
12 be in addition to and not in lieu of any other moneys
13 paid to standardbred purses under this Act, and shall
14 not be commingled with other moneys paid into that
15 Fund. The moneys deposited pursuant to this
16 subparagraph (B) shall be allocated as provided by the
17 Department of Agriculture, with the advice and
18 assistance of the Illinois Standardbred Breeders Fund
19 Advisory Board.

20 (7.2) Notwithstanding any other provision of this Act
21 to the contrary, if no thoroughbred racing is conducted at
22 a racetrack located in Madison County during any calendar
23 year beginning on or after January 1, 2002, all moneys
24 derived by that racetrack from simulcast wagering and
25 inter-track wagering that (1) are to be used for purses and
26 (2) are generated between the hours of 6:30 a.m. and 6:30

1 p.m. during that calendar year shall be deposited as
2 follows:

3 (A) If the licensee that conducts horse racing at
4 that racetrack requests from the Board at least as many
5 racing dates as were conducted in calendar year 2000,
6 80% shall be deposited into its standardbred purse
7 account; and

8 (B) Twenty percent shall be deposited into the
9 Illinois Colt Stakes Purse Distribution Fund. Moneys
10 deposited into the Illinois Colt Stakes Purse
11 Distribution Fund pursuant to this subparagraph (B)
12 shall be paid to Illinois conceived and foaled
13 thoroughbred breeders' programs and to thoroughbred
14 purses for races conducted at any county fairgrounds
15 for Illinois conceived and foaled horses at the
16 discretion of the Department of Agriculture, with the
17 advice and assistance of the Illinois Thoroughbred
18 Breeders Fund Advisory Board. The moneys deposited
19 into the Illinois Colt Stakes Purse Distribution Fund
20 pursuant to this subparagraph (B) shall be deposited
21 within 2 weeks after the day they were generated, shall
22 be in addition to and not in lieu of any other moneys
23 paid to thoroughbred purses under this Act, and shall
24 not be commingled with other moneys deposited into that
25 Fund.

26 (7.3) If no live standardbred racing is conducted at a

1 racetrack located in Madison County in calendar year 2000
2 or 2001, an organization licensee who is licensed to
3 conduct horse racing at that racetrack shall, before
4 January 1, 2002, pay all moneys derived from simulcast
5 wagering and inter-track wagering in calendar years 2000
6 and 2001 and paid into the licensee's standardbred purse
7 account as follows:

8 (A) Eighty percent to that licensee's thoroughbred
9 purse account to be used for thoroughbred purses; and

10 (B) Twenty percent to the Illinois Colt Stakes
11 Purse Distribution Fund.

12 Failure to make the payment to the Illinois Colt Stakes
13 Purse Distribution Fund before January 1, 2002 shall result
14 in the immediate revocation of the licensee's organization
15 license, inter-track wagering license, and inter-track
16 wagering location license.

17 Moneys paid into the Illinois Colt Stakes Purse
18 Distribution Fund pursuant to this paragraph (7.3) shall be
19 paid to purses for standardbred races for Illinois
20 conceived and foaled horses conducted at any county
21 fairgrounds. Moneys paid into the Illinois Colt Stakes
22 Purse Distribution Fund pursuant to this paragraph (7.3)
23 shall be used as determined by the Department of
24 Agriculture, with the advice and assistance of the Illinois
25 Standardbred Breeders Fund Advisory Board, shall be in
26 addition to and not in lieu of any other moneys paid to

1 standardbred purses under this Act, and shall not be
2 commingled with any other moneys paid into that Fund.

3 (7.4) If live standardbred racing is conducted at a
4 racetrack located in Madison County at any time in calendar
5 year 2001 before the payment required under paragraph (7.3)
6 has been made, the organization licensee who is licensed to
7 conduct racing at that racetrack shall pay all moneys
8 derived by that racetrack from simulcast wagering and
9 inter-track wagering during calendar years 2000 and 2001
10 that (1) are to be used for purses and (2) are generated
11 between the hours of 6:30 p.m. and 6:30 a.m. during 2000 or
12 2001 to the standardbred purse account at that racetrack to
13 be used for standardbred purses.

14 (8) Notwithstanding any provision in this Act to the
15 contrary, an organization licensee from a track located in
16 a county with a population in excess of 230,000 and that
17 borders the Mississippi River and its affiliated non-host
18 licensees shall not be entitled to share in any retention
19 generated on racing, inter-track wagering, or simulcast
20 wagering at any other Illinois wagering facility.

21 (8.1) Notwithstanding any provisions in this Act to the
22 contrary, if 2 organization licensees are conducting
23 standardbred race meetings concurrently between the hours
24 of 6:30 p.m. and 6:30 a.m., after payment of all applicable
25 State and local taxes and interstate commission fees, the
26 remainder of the amount retained from simulcast wagering

1 otherwise attributable to the host track and to host track
2 purses shall be split daily between the 2 organization
3 licensees and the purses at the tracks of the 2
4 organization licensees, respectively, based on each
5 organization licensee's share of the total live handle for
6 that day, provided that this provision shall not apply to
7 any non-host licensee that derives its license from a track
8 located in a county with a population in excess of 230,000
9 and that borders the Mississippi River.

10 (9) (Blank).

11 (10) (Blank).

12 (11) (Blank).

13 (12) The Board shall have authority to compel all host
14 tracks to receive the simulcast of any or all races
15 conducted at the Springfield or DuQuoin State fairgrounds
16 and include all such races as part of their simulcast
17 programs.

18 (13) Notwithstanding any other provision of this Act,
19 in the event that the total Illinois pari-mutuel handle on
20 Illinois horse races at all wagering facilities in any
21 calendar year is less than 75% of the total Illinois
22 pari-mutuel handle on Illinois horse races at all such
23 wagering facilities for calendar year 1994, then each
24 wagering facility that has an annual total Illinois
25 pari-mutuel handle on Illinois horse races that is less
26 than 75% of the total Illinois pari-mutuel handle on

1 Illinois horse races at such wagering facility for calendar
2 year 1994, shall be permitted to receive, from any amount
3 otherwise payable to the purse account at the race track
4 with which the wagering facility is affiliated in the
5 succeeding calendar year, an amount equal to 2% of the
6 differential in total Illinois pari-mutuel handle on
7 Illinois horse races at the wagering facility between that
8 calendar year in question and 1994 provided, however, that
9 a wagering facility shall not be entitled to any such
10 payment until the Board certifies in writing to the
11 wagering facility the amount to which the wagering facility
12 is entitled and a schedule for payment of the amount to the
13 wagering facility, based on: (i) the racing dates awarded
14 to the race track affiliated with the wagering facility
15 during the succeeding year; (ii) the sums available or
16 anticipated to be available in the purse account of the
17 race track affiliated with the wagering facility for purses
18 during the succeeding year; and (iii) the need to ensure
19 reasonable purse levels during the payment period. The
20 Board's certification shall be provided no later than
21 January 31 of the succeeding year. In the event a wagering
22 facility entitled to a payment under this paragraph (13) is
23 affiliated with a race track that maintains purse accounts
24 for both standardbred and thoroughbred racing, the amount
25 to be paid to the wagering facility shall be divided
26 between each purse account pro rata, based on the amount of

1 Illinois handle on Illinois standardbred and thoroughbred
2 racing respectively at the wagering facility during the
3 previous calendar year. Annually, the General Assembly
4 shall appropriate sufficient funds from the General
5 Revenue Fund to the Department of Agriculture for payment
6 into the thoroughbred and standardbred horse racing purse
7 accounts at Illinois pari-mutuel tracks. The amount paid to
8 each purse account shall be the amount certified by the
9 Illinois Racing Board in January to be transferred from
10 each account to each eligible racing facility in accordance
11 with the provisions of this Section.

12 (h) The Board may approve and license the conduct of
13 inter-track wagering and simulcast wagering by inter-track
14 wagering licensees and inter-track wagering location licensees
15 subject to the following terms and conditions:

16 (1) Any person licensed to conduct a race meeting (i)
17 at a track where 60 or more days of racing were conducted
18 during the immediately preceding calendar year or where
19 over the 5 immediately preceding calendar years an average
20 of 30 or more days of racing were conducted annually may be
21 issued an inter-track wagering license; (ii) at a track
22 located in a county that is bounded by the Mississippi
23 River, which has a population of less than 150,000
24 according to the 1990 decennial census, and an average of
25 at least 60 days of racing per year between 1985 and 1993
26 may be issued an inter-track wagering license; or (iii) at

1 a track located in Madison County that conducted at least
2 100 days of live racing during the immediately preceding
3 calendar year may be issued an inter-track wagering
4 license, unless a lesser schedule of live racing is the
5 result of (A) weather, unsafe track conditions, or other
6 acts of God; (B) an agreement between the organization
7 licensee and the associations representing the largest
8 number of owners, trainers, jockeys, or standardbred
9 drivers who race horses at that organization licensee's
10 racing meeting; or (C) a finding by the Board of
11 extraordinary circumstances and that it was in the best
12 interest of the public and the sport to conduct fewer than
13 100 days of live racing. Any such person having operating
14 control of the racing facility may receive inter-track
15 wagering location licenses. An eligible race track located
16 in a county that has a population of more than 230,000 and
17 that is bounded by the Mississippi River may establish up
18 to 9 inter-track wagering locations, ~~and~~ and an eligible race
19 track located in Stickney Township in Cook County may
20 establish up to 16 inter-track wagering locations, ~~and~~ and an
21 eligible race track located in Palatine Township in Cook
22 County may establish up to 18 inter-track wagering
23 locations. An application for said license shall be filed
24 with the Board prior to such dates as may be fixed by the
25 Board. With an application for an inter-track wagering
26 location license there shall be delivered to the Board a

1 certified check or bank draft payable to the order of the
2 Board for an amount equal to \$500. The application shall be
3 on forms prescribed and furnished by the Board. The
4 application shall comply with all other rules, regulations
5 and conditions imposed by the Board in connection
6 therewith.

7 (2) The Board shall examine the applications with
8 respect to their conformity with this Act and the rules and
9 regulations imposed by the Board. If found to be in
10 compliance with the Act and rules and regulations of the
11 Board, the Board may then issue a license to conduct
12 inter-track wagering and simulcast wagering to such
13 applicant. All such applications shall be acted upon by the
14 Board at a meeting to be held on such date as may be fixed
15 by the Board.

16 (3) In granting licenses to conduct inter-track
17 wagering and simulcast wagering, the Board shall give due
18 consideration to the best interests of the public, of horse
19 racing, and of maximizing revenue to the State.

20 (4) Prior to the issuance of a license to conduct
21 inter-track wagering and simulcast wagering, the applicant
22 shall file with the Board a bond payable to the State of
23 Illinois in the sum of \$50,000, executed by the applicant
24 and a surety company or companies authorized to do business
25 in this State, and conditioned upon (i) the payment by the
26 licensee of all taxes due under Section 27 or 27.1 and any

1 other monies due and payable under this Act, and (ii)
2 distribution by the licensee, upon presentation of the
3 winning ticket or tickets, of all sums payable to the
4 patrons of pari-mutuel pools.

5 (5) Each license to conduct inter-track wagering and
6 simulcast wagering shall specify the person to whom it is
7 issued, the dates on which such wagering is permitted, and
8 the track or location where the wagering is to be
9 conducted.

10 (6) All wagering under such license is subject to this
11 Act and to the rules and regulations from time to time
12 prescribed by the Board, and every such license issued by
13 the Board shall contain a recital to that effect.

14 (7) An inter-track wagering licensee or inter-track
15 wagering location licensee may accept wagers at the track
16 or location where it is licensed, or as otherwise provided
17 under this Act.

18 (8) Inter-track wagering or simulcast wagering shall
19 not be conducted at any track less than 5 miles from a
20 track at which a racing meeting is in progress.

21 (8.1) Inter-track wagering location licensees who
22 derive their licenses from a particular organization
23 licensee shall conduct inter-track wagering and simulcast
24 wagering only at locations that are within 160 miles of
25 that race track where the particular organization licensee
26 is licensed to conduct racing. However, inter-track

1 wagering and simulcast wagering shall not be conducted by
2 those licensees at any location within 5 miles of any race
3 track at which a horse race meeting has been licensed in
4 the current year, unless the person having operating
5 control of such race track has given its written consent to
6 such inter-track wagering location licensees, which
7 consent must be filed with the Board at or prior to the
8 time application is made. In the case of any inter-track
9 wagering location licensee initially licensed after
10 December 31, 2013, inter-track wagering and simulcast
11 wagering shall not be conducted by those inter-track
12 wagering location licensees that are located outside the
13 City of Chicago at any location within 8 miles of any race
14 track at which a horse race meeting has been licensed in
15 the current year, unless the person having operating
16 control of such race track has given its written consent to
17 such inter-track wagering location licensees, which
18 consent must be filed with the Board at or prior to the
19 time application is made.

20 (8.2) Inter-track wagering or simulcast wagering shall
21 not be conducted by an inter-track wagering location
22 licensee at any location within 500 feet of an existing
23 church or existing school, nor within 500 feet of the
24 residences of more than 50 registered voters without
25 receiving written permission from a majority of the
26 registered voters at such residences. Such written

1 permission statements shall be filed with the Board. The
2 distance of 500 feet shall be measured to the nearest part
3 of any building used for worship services, education
4 programs, residential purposes, or conducting inter-track
5 wagering by an inter-track wagering location licensee, and
6 not to property boundaries. However, inter-track wagering
7 or simulcast wagering may be conducted at a site within 500
8 feet of a church, school or residences of 50 or more
9 registered voters if such church, school or residences have
10 been erected or established, or such voters have been
11 registered, after the Board issues the original
12 inter-track wagering location license at the site in
13 question. Inter-track wagering location licensees may
14 conduct inter-track wagering and simulcast wagering only
15 in areas that are zoned for commercial or manufacturing
16 purposes or in areas for which a special use has been
17 approved by the local zoning authority. However, no license
18 to conduct inter-track wagering and simulcast wagering
19 shall be granted by the Board with respect to any
20 inter-track wagering location within the jurisdiction of
21 any local zoning authority which has, by ordinance or by
22 resolution, prohibited the establishment of an inter-track
23 wagering location within its jurisdiction. However,
24 inter-track wagering and simulcast wagering may be
25 conducted at a site if such ordinance or resolution is
26 enacted after the Board licenses the original inter-track

1 wagering location licensee for the site in question.

2 (9) (Blank).

3 (10) An inter-track wagering licensee or an
4 inter-track wagering location licensee may retain, subject
5 to the payment of the privilege taxes and the purses, an
6 amount not to exceed 17% of all money wagered. Each program
7 of racing conducted by each inter-track wagering licensee
8 or inter-track wagering location licensee shall be
9 considered a separate racing day for the purpose of
10 determining the daily handle and computing the privilege
11 tax or pari-mutuel tax on such daily handle as provided in
12 Section 27.

13 (10.1) Except as provided in subsection (g) of Section
14 27 of this Act, inter-track wagering location licensees
15 shall pay 1% of the pari-mutuel handle at each location to
16 the municipality in which such location is situated and 1%
17 of the pari-mutuel handle at each location to the county in
18 which such location is situated. In the event that an
19 inter-track wagering location licensee is situated in an
20 unincorporated area of a county, such licensee shall pay 2%
21 of the pari-mutuel handle from such location to such
22 county.

23 (10.2) Notwithstanding any other provision of this
24 Act, with respect to inter-track ~~intertrack~~ wagering at a
25 race track located in a county that has a population of
26 more than 230,000 and that is bounded by the Mississippi

1 River ("the first race track"), or at a facility operated
2 by an inter-track wagering licensee or inter-track
3 wagering location licensee that derives its license from
4 the organization licensee that operates the first race
5 track, on races conducted at the first race track or on
6 races conducted at another Illinois race track and
7 simultaneously televised to the first race track or to a
8 facility operated by an inter-track wagering licensee or
9 inter-track wagering location licensee that derives its
10 license from the organization licensee that operates the
11 first race track, those moneys shall be allocated as
12 follows:

13 (A) That portion of all moneys wagered on
14 standardbred racing that is required under this Act to
15 be paid to purses shall be paid to purses for
16 standardbred races.

17 (B) That portion of all moneys wagered on
18 thoroughbred racing that is required under this Act to
19 be paid to purses shall be paid to purses for
20 thoroughbred races.

21 (11) (A) After payment of the privilege or pari-mutuel
22 tax, any other applicable taxes, and the costs and expenses
23 in connection with the gathering, transmission, and
24 dissemination of all data necessary to the conduct of
25 inter-track wagering, the remainder of the monies retained
26 under either Section 26 or Section 26.2 of this Act by the

1 inter-track wagering licensee on inter-track wagering
2 shall be allocated with 50% to be split between the 2
3 participating licensees and 50% to purses, except that an
4 inter-track ~~intertrack~~ wagering licensee that derives its
5 license from a track located in a county with a population
6 in excess of 230,000 and that borders the Mississippi River
7 shall not divide any remaining retention with the Illinois
8 organization licensee that provides the race or races, and
9 an inter-track ~~intertrack~~ wagering licensee that accepts
10 wagers on races conducted by an organization licensee that
11 conducts a race meet in a county with a population in
12 excess of 230,000 and that borders the Mississippi River
13 shall not divide any remaining retention with that
14 organization licensee.

15 (B) From the sums permitted to be retained pursuant to
16 this Act each inter-track wagering location licensee shall
17 pay (i) the privilege or pari-mutuel tax to the State; (ii)
18 4.75% of the pari-mutuel handle on inter-track ~~intertrack~~
19 wagering at such location on races as purses, except that
20 an inter-track ~~intertrack~~ wagering location licensee that
21 derives its license from a track located in a county with a
22 population in excess of 230,000 and that borders the
23 Mississippi River shall retain all purse moneys for its own
24 purse account consistent with distribution set forth in
25 this subsection (h), and inter-track ~~intertrack~~ wagering
26 location licensees that accept wagers on races conducted by

1 an organization licensee located in a county with a
2 population in excess of 230,000 and that borders the
3 Mississippi River shall distribute all purse moneys to
4 purses at the operating host track; (iii) until January 1,
5 2000, except as provided in subsection (g) of Section 27 of
6 this Act, 1% of the pari-mutuel handle wagered on
7 inter-track wagering and simulcast wagering at each
8 inter-track wagering location licensee facility to the
9 Horse Racing Tax Allocation Fund, provided that, to the
10 extent the total amount collected and distributed to the
11 Horse Racing Tax Allocation Fund under this subsection (h)
12 during any calendar year exceeds the amount collected and
13 distributed to the Horse Racing Tax Allocation Fund during
14 calendar year 1994, that excess amount shall be
15 redistributed (I) to all inter-track wagering location
16 licensees, based on each licensee's pro-rata share of the
17 total handle from inter-track wagering and simulcast
18 wagering for all inter-track wagering location licensees
19 during the calendar year in which this provision is
20 applicable; then (II) the amounts redistributed to each
21 inter-track wagering location licensee as described in
22 subpart (I) shall be further redistributed as provided in
23 subparagraph (B) of paragraph (5) of subsection (g) of this
24 Section 26 provided first, that the shares of those
25 amounts, which are to be redistributed to the host track or
26 to purses at the host track under subparagraph (B) of

1 paragraph (5) of subsection (g) of this Section 26 shall be
2 redistributed based on each host track's pro rata share of
3 the total inter-track wagering and simulcast wagering
4 handle at all host tracks during the calendar year in
5 question, and second, that any amounts redistributed as
6 described in part (I) to an inter-track wagering location
7 licensee that accepts wagers on races conducted by an
8 organization licensee that conducts a race meet in a county
9 with a population in excess of 230,000 and that borders the
10 Mississippi River shall be further redistributed as
11 provided in subparagraphs (D) and (E) of paragraph (7) of
12 subsection (g) of this Section 26, with the portion of that
13 further redistribution allocated to purses at that
14 organization licensee to be divided between standardbred
15 purses and thoroughbred purses based on the amounts
16 otherwise allocated to purses at that organization
17 licensee during the calendar year in question; and (iv) 8%
18 of the pari-mutuel handle on inter-track wagering wagered
19 at such location to satisfy all costs and expenses of
20 conducting its wagering. The remainder of the monies
21 retained by the inter-track wagering location licensee
22 shall be allocated 40% to the location licensee and 60% to
23 the organization licensee which provides the Illinois
24 races to the location, except that an inter-track
25 ~~intertrack~~ wagering location licensee that derives its
26 license from a track located in a county with a population

1 in excess of 230,000 and that borders the Mississippi River
2 shall not divide any remaining retention with the
3 organization licensee that provides the race or races and
4 an inter-track ~~intertrack~~ wagering location licensee that
5 accepts wagers on races conducted by an organization
6 licensee that conducts a race meet in a county with a
7 population in excess of 230,000 and that borders the
8 Mississippi River shall not divide any remaining retention
9 with the organization licensee. Notwithstanding the
10 provisions of clauses (ii) and (iv) of this paragraph, in
11 the case of the additional inter-track wagering location
12 licenses authorized under paragraph (1) of this subsection
13 (h) by Public Act 87-110 ~~this amendatory Act of 1991~~, those
14 licensees shall pay the following amounts as purses: during
15 the first 12 months the licensee is in operation, 5.25% of
16 the pari-mutuel handle wagered at the location on races;
17 during the second 12 months, 5.25%; during the third 12
18 months, 5.75%; during the fourth 12 months, 6.25%; and
19 during the fifth 12 months and thereafter, 6.75%. The
20 following amounts shall be retained by the licensee to
21 satisfy all costs and expenses of conducting its wagering:
22 during the first 12 months the licensee is in operation,
23 8.25% of the pari-mutuel handle wagered at the location;
24 during the second 12 months, 8.25%; during the third 12
25 months, 7.75%; during the fourth 12 months, 7.25%; and
26 during the fifth 12 months and thereafter, 6.75%. For

1 additional inter-track ~~intertrack~~ wagering location
2 licensees authorized under Public Act 89-16 ~~this~~
3 ~~amendatory Act of 1995~~, purses for the first 12 months the
4 licensee is in operation shall be 5.75% of the pari-mutuel
5 wagered at the location, purses for the second 12 months
6 the licensee is in operation shall be 6.25%, and purses
7 thereafter shall be 6.75%. For additional inter-track
8 ~~intertrack~~ location licensees authorized under Public Act
9 89-16 ~~this amendatory Act of 1995~~, the licensee shall be
10 allowed to retain to satisfy all costs and expenses: 7.75%
11 of the pari-mutuel handle wagered at the location during
12 its first 12 months of operation, 7.25% during its second
13 12 months of operation, and 6.75% thereafter.

14 (C) There is hereby created the Horse Racing Tax
15 Allocation Fund which shall remain in existence until
16 December 31, 1999. Moneys remaining in the Fund after
17 December 31, 1999 shall be paid into the General Revenue
18 Fund. Until January 1, 2000, all monies paid into the Horse
19 Racing Tax Allocation Fund pursuant to this paragraph (11)
20 by inter-track wagering location licensees located in park
21 districts of 500,000 population or less, or in a
22 municipality that is not included within any park district
23 but is included within a conservation district and is the
24 county seat of a county that (i) is contiguous to the state
25 of Indiana and (ii) has a 1990 population of 88,257
26 according to the United States Bureau of the Census, and

1 operating on May 1, 1994 shall be allocated by
2 appropriation as follows:

3 Two-sevenths to the Department of Agriculture.
4 Fifty percent of this two-sevenths shall be used to
5 promote the Illinois horse racing and breeding
6 industry, and shall be distributed by the Department of
7 Agriculture upon the advice of a 9-member committee
8 appointed by the Governor consisting of the following
9 members: the Director of Agriculture, who shall serve
10 as chairman; 2 representatives of organization
11 licensees conducting thoroughbred race meetings in
12 this State, recommended by those licensees; 2
13 representatives of organization licensees conducting
14 standardbred race meetings in this State, recommended
15 by those licensees; a representative of the Illinois
16 Thoroughbred Breeders and Owners Foundation,
17 recommended by that Foundation; a representative of
18 the Illinois Standardbred Owners and Breeders
19 Association, recommended by that Association; a
20 representative of the Horsemen's Benevolent and
21 Protective Association or any successor organization
22 thereto established in Illinois comprised of the
23 largest number of owners and trainers, recommended by
24 that Association or that successor organization; and a
25 representative of the Illinois Harness Horsemen's
26 Association, recommended by that Association.

1 Committee members shall serve for terms of 2 years,
2 commencing January 1 of each even-numbered year. If a
3 representative of any of the above-named entities has
4 not been recommended by January 1 of any even-numbered
5 year, the Governor shall appoint a committee member to
6 fill that position. Committee members shall receive no
7 compensation for their services as members but shall be
8 reimbursed for all actual and necessary expenses and
9 disbursements incurred in the performance of their
10 official duties. The remaining 50% of this
11 two-sevenths shall be distributed to county fairs for
12 premiums and rehabilitation as set forth in the
13 Agricultural Fair Act;

14 Four-sevenths to park districts or municipalities
15 that do not have a park district of 500,000 population
16 or less for museum purposes (if an inter-track wagering
17 location licensee is located in such a park district)
18 or to conservation districts for museum purposes (if an
19 inter-track wagering location licensee is located in a
20 municipality that is not included within any park
21 district but is included within a conservation
22 district and is the county seat of a county that (i) is
23 contiguous to the state of Indiana and (ii) has a 1990
24 population of 88,257 according to the United States
25 Bureau of the Census, except that if the conservation
26 district does not maintain a museum, the monies shall

1 be allocated equally between the county and the
2 municipality in which the inter-track wagering
3 location licensee is located for general purposes) or
4 to a municipal recreation board for park purposes (if
5 an inter-track wagering location licensee is located
6 in a municipality that is not included within any park
7 district and park maintenance is the function of the
8 municipal recreation board and the municipality has a
9 1990 population of 9,302 according to the United States
10 Bureau of the Census); provided that the monies are
11 distributed to each park district or conservation
12 district or municipality that does not have a park
13 district in an amount equal to four-sevenths of the
14 amount collected by each inter-track wagering location
15 licensee within the park district or conservation
16 district or municipality for the Fund. Monies that were
17 paid into the Horse Racing Tax Allocation Fund before
18 August 9, 1991 (the effective date of Public Act
19 87-110) ~~this amendatory Act of 1991~~ by an inter-track
20 wagering location licensee located in a municipality
21 that is not included within any park district but is
22 included within a conservation district as provided in
23 this paragraph shall, as soon as practicable after
24 August 9, 1991 (the effective date of Public Act
25 87-110) ~~this amendatory Act of 1991~~, be allocated and
26 paid to that conservation district as provided in this

1 paragraph. Any park district or municipality not
2 maintaining a museum may deposit the monies in the
3 corporate fund of the park district or municipality
4 where the inter-track wagering location is located, to
5 be used for general purposes; and

6 One-seventh to the Agricultural Premium Fund to be
7 used for distribution to agricultural home economics
8 extension councils in accordance with "An Act in
9 relation to additional support and finances for the
10 Agricultural and Home Economic Extension Councils in
11 the several counties of this State and making an
12 appropriation therefor", approved July 24, 1967.

13 Until January 1, 2000, all other monies paid into the
14 Horse Racing Tax Allocation Fund pursuant to this paragraph
15 (11) shall be allocated by appropriation as follows:

16 Two-sevenths to the Department of Agriculture.
17 Fifty percent of this two-sevenths shall be used to
18 promote the Illinois horse racing and breeding
19 industry, and shall be distributed by the Department of
20 Agriculture upon the advice of a 9-member committee
21 appointed by the Governor consisting of the following
22 members: the Director of Agriculture, who shall serve
23 as chairman; 2 representatives of organization
24 licensees conducting thoroughbred race meetings in
25 this State, recommended by those licensees; 2
26 representatives of organization licensees conducting

1 standardbred race meetings in this State, recommended
2 by those licensees; a representative of the Illinois
3 Thoroughbred Breeders and Owners Foundation,
4 recommended by that Foundation; a representative of
5 the Illinois Standardbred Owners and Breeders
6 Association, recommended by that Association; a
7 representative of the Horsemen's Benevolent and
8 Protective Association or any successor organization
9 thereto established in Illinois comprised of the
10 largest number of owners and trainers, recommended by
11 that Association or that successor organization; and a
12 representative of the Illinois Harness Horsemen's
13 Association, recommended by that Association.
14 Committee members shall serve for terms of 2 years,
15 commencing January 1 of each even-numbered year. If a
16 representative of any of the above-named entities has
17 not been recommended by January 1 of any even-numbered
18 year, the Governor shall appoint a committee member to
19 fill that position. Committee members shall receive no
20 compensation for their services as members but shall be
21 reimbursed for all actual and necessary expenses and
22 disbursements incurred in the performance of their
23 official duties. The remaining 50% of this
24 two-sevenths shall be distributed to county fairs for
25 premiums and rehabilitation as set forth in the
26 Agricultural Fair Act;

1 Four-sevenths to museums and aquariums located in
2 park districts of over 500,000 population; provided
3 that the monies are distributed in accordance with the
4 previous year's distribution of the maintenance tax
5 for such museums and aquariums as provided in Section 2
6 of the Park District Aquarium and Museum Act; and

7 One-seventh to the Agricultural Premium Fund to be
8 used for distribution to agricultural home economics
9 extension councils in accordance with "An Act in
10 relation to additional support and finances for the
11 Agricultural and Home Economic Extension Councils in
12 the several counties of this State and making an
13 appropriation therefor", approved July 24, 1967. This
14 subparagraph (C) shall be inoperative and of no force
15 and effect on and after January 1, 2000.

16 (D) Except as provided in paragraph (11) of this
17 subsection (h), with respect to purse allocation from
18 inter-track ~~intertrack~~ wagering, the monies so
19 retained shall be divided as follows:

20 (i) If the inter-track wagering licensee,
21 except an inter-track ~~intertrack~~ wagering licensee
22 that derives its license from an organization
23 licensee located in a county with a population in
24 excess of 230,000 and bounded by the Mississippi
25 River, is not conducting its own race meeting
26 during the same dates, then the entire purse

1 allocation shall be to purses at the track where
2 the races wagered on are being conducted.

3 (ii) If the inter-track wagering licensee,
4 except an inter-track ~~intertrack~~ wagering licensee
5 that derives its license from an organization
6 licensee located in a county with a population in
7 excess of 230,000 and bounded by the Mississippi
8 River, is also conducting its own race meeting
9 during the same dates, then the purse allocation
10 shall be as follows: 50% to purses at the track
11 where the races wagered on are being conducted; 50%
12 to purses at the track where the inter-track
13 wagering licensee is accepting such wagers.

14 (iii) If the inter-track wagering is being
15 conducted by an inter-track wagering location
16 licensee, except an inter-track ~~intertrack~~
17 wagering location licensee that derives its
18 license from an organization licensee located in a
19 county with a population in excess of 230,000 and
20 bounded by the Mississippi River, the entire purse
21 allocation for Illinois races shall be to purses at
22 the track where the race meeting being wagered on
23 is being held.

24 (12) The Board shall have all powers necessary and
25 proper to fully supervise and control the conduct of
26 inter-track wagering and simulcast wagering by inter-track

1 wagering licensees and inter-track wagering location
2 licensees, including, but not limited to the following:

3 (A) The Board is vested with power to promulgate
4 reasonable rules and regulations for the purpose of
5 administering the conduct of this wagering and to
6 prescribe reasonable rules, regulations and conditions
7 under which such wagering shall be held and conducted.
8 Such rules and regulations are to provide for the
9 prevention of practices detrimental to the public
10 interest and for the best interests of said wagering
11 and to impose penalties for violations thereof.

12 (B) The Board, and any person or persons to whom it
13 delegates this power, is vested with the power to enter
14 the facilities of any licensee to determine whether
15 there has been compliance with the provisions of this
16 Act and the rules and regulations relating to the
17 conduct of such wagering.

18 (C) The Board, and any person or persons to whom it
19 delegates this power, may eject or exclude from any
20 licensee's facilities, any person whose conduct or
21 reputation is such that his presence on such premises
22 may, in the opinion of the Board, call into the
23 question the honesty and integrity of, or interfere
24 with the orderly conduct of such wagering; provided,
25 however, that no person shall be excluded or ejected
26 from such premises solely on the grounds of race,

1 color, creed, national origin, ancestry, or sex.

2 (D) (Blank).

3 (E) The Board is vested with the power to appoint
4 delegates to execute any of the powers granted to it
5 under this Section for the purpose of administering
6 this wagering and any rules and regulations
7 promulgated in accordance with this Act.

8 (F) The Board shall name and appoint a State
9 director of this wagering who shall be a representative
10 of the Board and whose duty it shall be to supervise
11 the conduct of inter-track wagering as may be provided
12 for by the rules and regulations of the Board; such
13 rules and regulation shall specify the method of
14 appointment and the Director's powers, authority and
15 duties.

16 (G) The Board is vested with the power to impose
17 civil penalties of up to \$5,000 against individuals and
18 up to \$10,000 against licensees for each violation of
19 any provision of this Act relating to the conduct of
20 this wagering, any rules adopted by the Board, any
21 order of the Board or any other action which in the
22 Board's discretion, is a detriment or impediment to
23 such wagering.

24 (13) The Department of Agriculture may enter into
25 agreements with licensees authorizing such licensees to
26 conduct inter-track wagering on races to be held at the

1 licensed race meetings conducted by the Department of
2 Agriculture. Such agreement shall specify the races of the
3 Department of Agriculture's licensed race meeting upon
4 which the licensees will conduct wagering. In the event
5 that a licensee conducts inter-track pari-mutuel wagering
6 on races from the Illinois State Fair or DuQuoin State Fair
7 which are in addition to the licensee's previously approved
8 racing program, those races shall be considered a separate
9 racing day for the purpose of determining the daily handle
10 and computing the privilege or pari-mutuel tax on that
11 daily handle as provided in Sections 27 and 27.1. Such
12 agreements shall be approved by the Board before such
13 wagering may be conducted. In determining whether to grant
14 approval, the Board shall give due consideration to the
15 best interests of the public and of horse racing. The
16 provisions of paragraphs (1), (8), (8.1), and (8.2) of
17 subsection (h) of this Section which are not specified in
18 this paragraph (13) shall not apply to licensed race
19 meetings conducted by the Department of Agriculture at the
20 Illinois State Fair in Sangamon County or the DuQuoin State
21 Fair in Perry County, or to any wagering conducted on those
22 race meetings.

23 (14) An inter-track wagering location license
24 authorized by the Board in 2016 that is owned and operated
25 by a race track in Rock Island County shall be transferred
26 to a commonly owned race track in Cook County on August 12,

1 2016 (the effective date of Public Act 99-757) ~~this~~
2 ~~amendatory Act of the 99th General Assembly~~. The licensee
3 shall retain its status in relation to purse distribution
4 under paragraph (11) of this subsection (h) following the
5 transfer to the new entity. The pari-mutuel tax credit
6 under Section 32.1 shall not be applied toward any
7 pari-mutuel tax obligation of the inter-track wagering
8 location licensee of the license that is transferred under
9 this paragraph (14).

10 (i) Notwithstanding the other provisions of this Act, the
11 conduct of wagering at wagering facilities is authorized on all
12 days, except as limited by subsection (b) of Section 19 of this
13 Act.

14 (Source: P.A. 98-18, eff. 6-7-13; 98-624, eff. 1-29-14; 98-968,
15 eff. 8-15-14; 99-756, eff. 8-12-16; 99-757, eff. 8-12-16;
16 revised 9-14-16.)

17 (230 ILCS 5/26.2) (from Ch. 8, par. 37-26.2)

18 Sec. 26.2. In addition to the amount retained by licensees
19 pursuant to Section 26, each licensee may retain an additional
20 amount up to 3 1/2% of the amount wagered on all multiple
21 wagers plus an additional amount up to 8% of the amount wagered
22 on any other multiple wager that involves a single betting
23 interest on 3 or more horses. Amounts retained by organization
24 licensees and inter-track wagering licensees on all forms of
25 wagering shall be allocated, after payment of applicable State

1 and local taxes among organization licensees, inter-track
2 wagering licensees, and purses as set forth in paragraph (5) of
3 subsection (g) of Section 26, subparagraph (A) of paragraph
4 (11) of subsection (h) of Section 26, and subsection (a) of
5 Section 29 of this Act. Amounts retained by inter-track
6 ~~intertrack~~ wagering location licensees under this Section on
7 all forms of wagering shall be allocated, after payment of
8 applicable State and local taxes, among organization
9 licensees, inter-track ~~intertrack~~ wagering location licensees,
10 and purses as set forth in paragraph 5 of subsection (g) of
11 Section 26 and subparagraph (B) of paragraph (11) of subsection
12 (h) of Section 26.

13 (Source: P.A. 89-16, eff. 5-30-95; revised 9-2-16.)

14 (230 ILCS 5/32.1)

15 Sec. 32.1. Pari-mutuel tax credit; statewide racetrack
16 real estate equalization. In order to encourage new investment
17 in Illinois racetrack facilities and mitigate differing real
18 estate tax burdens among all racetracks, the licensees
19 affiliated or associated with each racetrack that has been
20 awarded live racing dates in the current year shall receive an
21 immediate pari-mutuel tax credit in an amount equal to the
22 greater of (i) 50% of the amount of the real estate taxes paid
23 in the prior year attributable to that racetrack, or (ii) the
24 amount by which the real estate taxes paid in the prior year
25 attributable to that racetrack exceeds 60% of the average real

1 estate taxes paid in the prior year for all racetracks awarded
2 live horse racing meets in the current year.

3 Each year, regardless of whether the organization licensee
4 conducted live racing in the year of certification, the Board
5 shall certify in writing, prior to December 31, the real estate
6 taxes paid in that year for each racetrack and the amount of
7 the pari-mutuel tax credit that each organization licensee,
8 inter-track ~~intertrack~~ wagering licensee, and inter-track
9 ~~intertrack~~ wagering location licensee that derives its license
10 from such racetrack is entitled in the succeeding calendar
11 year. The real estate taxes considered under this Section for
12 any racetrack shall be those taxes on the real estate parcels
13 and related facilities used to conduct a horse race meeting and
14 inter-track wagering at such racetrack under this Act. In no
15 event shall the amount of the tax credit under this Section
16 exceed the amount of pari-mutuel taxes otherwise calculated
17 under this Act. The amount of the tax credit under this Section
18 shall be retained by each licensee and shall not be subject to
19 any reallocation or further distribution under this Act. The
20 Board may promulgate emergency rules to implement this Section.
21 (Source: P.A. 91-40, eff. 6-25-99; revised 9-2-16.)

22 (230 ILCS 5/40) (from Ch. 8, par. 37-40)

23 Sec. 40. (a) The imposition of any fine or penalty provided
24 in this Act shall not preclude the Board in its rules and
25 regulations from imposing a fine or penalty for any other

1 action which, in the Board's discretion, is a detriment or
2 impediment to horse racing.

3 (b) The Director of Agriculture or his or her authorized
4 representative shall impose the following monetary penalties
5 and hold administrative hearings as required for failure to
6 submit the following applications, lists, or reports within the
7 time period, date or manner required by statute or rule or for
8 removing a foal from Illinois prior to inspection:

9 (1) late filing of a renewal application for offering
10 or standing stallion for service:

11 (A) if an application is submitted no more than 30
12 days late, \$50;

13 (B) if an application is submitted no more than 45
14 days late, \$150; or

15 (C) if an application is submitted more than 45
16 days late, if filing of the application is allowed
17 under an administrative hearing, \$250;

18 (2) late filing of list or report of mares bred:

19 (A) if a list or report is submitted no more than
20 30 days late, \$50;

21 (B) if a list or report is submitted no more than
22 60 days late, \$150; or

23 (C) if a list or report is submitted more than 60
24 days late, if filing of the list or report is allowed
25 under an administrative hearing, \$250;

26 (3) filing an Illinois foaled thoroughbred mare status

1 report after December 31:

2 (A) if a report is submitted no more than 30 days
3 late, \$50;

4 (B) if a report is submitted no more than 90 days
5 late, \$150;

6 (C) if a report is submitted no more than 150 days
7 late, \$250; or

8 (D) if a report is submitted more than 150 days
9 late, if filing of the report is allowed under an
10 administrative hearing, \$500;

11 (4) late filing of application for foal eligibility
12 certificate:

13 (A) if an application is submitted no more than 30
14 days late, \$50;

15 (B) if an application is submitted no more than 90
16 days late, \$150;

17 (C) if an application is submitted no more than 150
18 days late, \$250; or

19 (D) if an application is submitted more than 150
20 days late, if filing of the application is allowed
21 under an administrative hearing, \$500;

22 (5) failure to report the intent to remove a foal from
23 Illinois prior to inspection, identification and
24 certification by a Department of Agriculture investigator,
25 \$50; and

26 (6) if a list or report of mares bred is incomplete,

1 \$50 per mare not included on the list or report.

2 Any person upon whom monetary penalties are imposed under
3 this Section 3 times within a 5-year ~~5-year~~ period shall have
4 any further monetary penalties imposed at double the amounts
5 set forth above. All monies assessed and collected for
6 violations relating to thoroughbreds shall be paid into the
7 Illinois Thoroughbred Breeders Fund. All monies assessed and
8 collected for violations relating to standardbreds shall be
9 paid into the Illinois Standardbred Breeders Fund.
10 (Source: P.A. 87-397; revised 9-2-16.)

11 Section 565. The Raffles and Poker Runs Act is amended by
12 changing Section 2 as follows:

13 (230 ILCS 15/2) (from Ch. 85, par. 2302)

14 Sec. 2. Licensing.

15 (a) The governing body of any county or municipality within
16 this State may establish a system for the licensing of
17 organizations to operate raffles. The governing bodies of a
18 county and one or more municipalities may, pursuant to a
19 written contract, jointly establish a system for the licensing
20 of organizations to operate raffles within any area of
21 contiguous territory not contained within the corporate limits
22 of a municipality which is not a party to such contract. The
23 governing bodies of two or more adjacent counties or two or
24 more adjacent municipalities located within a county may,

1 pursuant to a written contract, jointly establish a system for
2 the licensing of organizations to operate raffles within the
3 corporate limits of such counties or municipalities. The
4 licensing authority may establish special categories of
5 licenses and promulgate rules relating to the various
6 categories. The licensing system shall provide for limitations
7 upon (1) the aggregate retail value of all prizes or
8 merchandise awarded by a licensee in a single raffle, (2) the
9 maximum retail value of each prize awarded by a licensee in a
10 single raffle, (3) the maximum price which may be charged for
11 each raffle chance issued or sold and (4) the maximum number of
12 days during which chances may be issued or sold. The licensing
13 system may include a fee for each license in an amount to be
14 determined by the local governing body. Licenses issued
15 pursuant to this Act shall be valid for one raffle or for a
16 specified number of raffles to be conducted during a specified
17 period not to exceed one year and may be suspended or revoked
18 for any violation of this Act. A local governing body shall act
19 on a license application within 30 days from the date of
20 application. Nothing in this Act shall be construed to prohibit
21 a county or municipality from adopting rules or ordinances for
22 the operation of raffles that are more restrictive than
23 provided for in this Act. Except for raffles organized by law
24 enforcement agencies and statewide associations that represent
25 law enforcement officials as provided in Section 9 of this Act,
26 the governing body of a municipality may authorize the sale of

1 raffle chances only within the borders of the municipality.
2 Except for raffles organized by law enforcement agencies and
3 statewide associations that represent law enforcement
4 officials as provided in Section 9, the governing body of the
5 county may authorize the sale of raffle chances only in those
6 areas which are both within the borders of the county and
7 outside the borders of any municipality.

8 (a-5) The governing body of Cook County may and any other
9 county within this State shall establish a system for the
10 licensing of organizations to operate poker runs. The governing
11 bodies of 2 or more adjacent counties may, pursuant to a
12 written contract, jointly establish a system for the licensing
13 of organizations to operate poker runs within the corporate
14 limits of such counties. The licensing authority may establish
15 special categories of licenses and adopt rules relating to the
16 various categories. The licensing system may include a fee not
17 to exceed \$25 for each license. Licenses issued pursuant to
18 this Act shall be valid for one poker run or for a specified
19 number of poker runs to be conducted during a specified period
20 not to exceed one year and may be suspended or revoked for any
21 violation of this Act. A local governing body shall act on a
22 license application within 30 days after the date of
23 application.

24 (b) Raffle licenses shall be issued only to bona fide
25 religious, charitable, labor, business, fraternal, educational
26 or veterans' organizations that operate without profit to their

1 members and which have been in existence continuously for a
2 period of 5 years immediately before making application for a
3 raffle license and which have had during that entire 5-year
4 period a bona fide membership engaged in carrying out their
5 objects, or to a non-profit fundraising organization that the
6 licensing authority determines is organized for the sole
7 purpose of providing financial assistance to an identified
8 individual or group of individuals suffering extreme financial
9 hardship as the result of an illness, disability, accident or
10 disaster, as well as law enforcement agencies and statewide
11 associations that represent law enforcement officials as
12 provided for in Section 9 of this Act. Poker run licenses shall
13 be issued only to bona fide religious, charitable, labor,
14 business, fraternal, educational, veterans', or other bona
15 fide not-for-profit organizations that operate without profit
16 to their members and which have been in existence continuously
17 for a period of 5 years immediately before making application
18 for a poker run license and which have had during that entire
19 5-year period a bona fide membership engaged in carrying out
20 their objects. Licenses for poker runs shall be issued for the
21 following purposes: (i) providing financial assistance to an
22 identified individual or group of individuals suffering
23 extreme financial hardship as the result of an illness,
24 disability, accident, or disaster or (ii) to maintain the
25 financial stability of the organization. A licensing authority
26 may waive the 5-year requirement under this subsection (b) for

1 a bona fide religious, charitable, labor, business, fraternal,
2 educational, or veterans' organization that applies for a
3 license to conduct a poker run if the organization is a local
4 organization that is affiliated with and chartered by a
5 national or State organization that meets the 5-year
6 requirement.

7 For purposes of this Act, the following definitions apply.

8 Non-profit: An organization or institution organized and
9 conducted on a not-for-profit basis with no personal profit
10 inuring to any one as a result of the operation. Charitable: An
11 organization or institution organized and operated to benefit
12 an indefinite number of the public. The service rendered to
13 those eligible for benefits must also confer some benefit on
14 the public. Educational: An organization or institution
15 organized and operated to provide systematic instruction in
16 useful branches of learning by methods common to schools and
17 institutions of learning which compare favorably in their scope
18 and intensity with the course of study presented in
19 tax-supported schools. Religious: Any church, congregation,
20 society, or organization founded for the purpose of religious
21 worship. Fraternal: An organization of persons having a common
22 interest, the primary interest of which is to both promote the
23 welfare of its members and to provide assistance to the general
24 public in such a way as to lessen the burdens of government by
25 caring for those that otherwise would be cared for by the
26 government. Veterans: An organization or association comprised

1 of members of which substantially all are individuals who are
2 veterans or spouses, widows, or widowers of veterans, the
3 primary purpose of which is to promote the welfare of its
4 members and to provide assistance to the general public in such
5 a way as to confer a public benefit. Labor: An organization
6 composed of workers organized with the objective of betterment
7 of the conditions of those engaged in such pursuit and the
8 development of a higher degree of efficiency in their
9 respective occupations. Business: A voluntary organization
10 composed of individuals and businesses who have joined together
11 to advance the commercial, financial, industrial and civic
12 interests of a community.

13 (c) Poker runs shall be licensed by the county with
14 jurisdiction over the key location. The license granted by the
15 key location shall cover the entire poker run, including
16 locations other than the key location. Each license issued
17 shall include the name and address of each predetermined
18 location.

19 (Source: P.A. 98-644, eff. 6-10-14; 99-405, eff. 8-19-15;
20 99-757, eff. 8-12-16; revised 9-14-16.)

21 Section 570. The Liquor Control Act of 1934 is amended by
22 changing Sections 3-12, 5-1, 5-3, 6-4, 6-11, 6-15, and 6-28.5
23 as follows:

24 (235 ILCS 5/3-12)

1 Sec. 3-12. Powers and duties of State Commission.

2 (a) The State commission shall have the following powers,
3 functions, and duties:

4 (1) To receive applications and to issue licenses to
5 manufacturers, foreign importers, importing distributors,
6 distributors, non-resident dealers, on premise consumption
7 retailers, off premise sale retailers, special event
8 retailer licensees, special use permit licenses, auction
9 liquor licenses, brew pubs, caterer retailers,
10 non-beverage users, railroads, including owners and
11 lessees of sleeping, dining and cafe cars, airplanes,
12 boats, brokers, and wine maker's premises licensees in
13 accordance with the provisions of this Act, and to suspend
14 or revoke such licenses upon the State commission's
15 determination, upon notice after hearing, that a licensee
16 has violated any provision of this Act or any rule or
17 regulation issued pursuant thereto and in effect for 30
18 days prior to such violation. Except in the case of an
19 action taken pursuant to a violation of Section 6-3, 6-5,
20 or 6-9, any action by the State Commission to suspend or
21 revoke a licensee's license may be limited to the license
22 for the specific premises where the violation occurred.

23 In lieu of suspending or revoking a license, the
24 commission may impose a fine, upon the State commission's
25 determination and notice after hearing, that a licensee has
26 violated any provision of this Act or any rule or

1 regulation issued pursuant thereto and in effect for 30
2 days prior to such violation.

3 For the purpose of this paragraph (1), when determining
4 multiple violations for the sale of alcohol to a person
5 under the age of 21, a second or subsequent violation for
6 the sale of alcohol to a person under the age of 21 shall
7 only be considered if it was committed within 5 years after
8 the date when a prior violation for the sale of alcohol to
9 a person under the age of 21 was committed.

10 The fine imposed under this paragraph may not exceed
11 \$500 for each violation. Each day that the activity, which
12 gave rise to the original fine, continues is a separate
13 violation. The maximum fine that may be levied against any
14 licensee, for the period of the license, shall not exceed
15 \$20,000. The maximum penalty that may be imposed on a
16 licensee for selling a bottle of alcoholic liquor with a
17 foreign object in it or serving from a bottle of alcoholic
18 liquor with a foreign object in it shall be the destruction
19 of that bottle of alcoholic liquor for the first 10 bottles
20 so sold or served from by the licensee. For the eleventh
21 bottle of alcoholic liquor and for each third bottle
22 thereafter sold or served from by the licensee with a
23 foreign object in it, the maximum penalty that may be
24 imposed on the licensee is the destruction of the bottle of
25 alcoholic liquor and a fine of up to \$50.

26 (2) To adopt such rules and regulations consistent with

1 the provisions of this Act which shall be necessary to
2 carry on its functions and duties to the end that the
3 health, safety and welfare of the People of the State of
4 Illinois shall be protected and temperance in the
5 consumption of alcoholic liquors shall be fostered and
6 promoted and to distribute copies of such rules and
7 regulations to all licensees affected thereby.

8 (3) To call upon other administrative departments of
9 the State, county and municipal governments, county and
10 city police departments and upon prosecuting officers for
11 such information and assistance as it deems necessary in
12 the performance of its duties.

13 (4) To recommend to local commissioners rules and
14 regulations, not inconsistent with the law, for the
15 distribution and sale of alcoholic liquors throughout the
16 State.

17 (5) To inspect, or cause to be inspected, any premises
18 in this State where alcoholic liquors are manufactured,
19 distributed, warehoused, or sold. Nothing in this Act
20 authorizes an agent of the Commission to inspect private
21 areas within the premises without reasonable suspicion or a
22 warrant during an inspection. "Private areas" include, but
23 are not limited to, safes, personal property, and closed
24 desks.

25 (5.1) Upon receipt of a complaint or upon having
26 knowledge that any person is engaged in business as a

1 manufacturer, importing distributor, distributor, or
2 retailer without a license or valid license, to notify the
3 local liquor authority, file a complaint with the State's
4 Attorney's Office of the county where the incident
5 occurred, or initiate an investigation with the
6 appropriate law enforcement officials.

7 (5.2) To issue a cease and desist notice to persons
8 shipping alcoholic liquor into this State from a point
9 outside of this State if the shipment is in violation of
10 this Act.

11 (5.3) To receive complaints from licensees, local
12 officials, law enforcement agencies, organizations, and
13 persons stating that any licensee has been or is violating
14 any provision of this Act or the rules and regulations
15 issued pursuant to this Act. Such complaints shall be in
16 writing, signed and sworn to by the person making the
17 complaint, and shall state with specificity the facts in
18 relation to the alleged violation. If the Commission has
19 reasonable grounds to believe that the complaint
20 substantially alleges a violation of this Act or rules and
21 regulations adopted pursuant to this Act, it shall conduct
22 an investigation. If, after conducting an investigation,
23 the Commission is satisfied that the alleged violation did
24 occur, it shall proceed with disciplinary action against
25 the licensee as provided in this Act.

26 (6) To hear and determine appeals from orders of a

1 local commission in accordance with the provisions of this
2 Act, as hereinafter set forth. Hearings under this
3 subsection shall be held in Springfield or Chicago, at
4 whichever location is the more convenient for the majority
5 of persons who are parties to the hearing.

6 (7) The commission shall establish uniform systems of
7 accounts to be kept by all retail licensees having more
8 than 4 employees, and for this purpose the commission may
9 classify all retail licensees having more than 4 employees
10 and establish a uniform system of accounts for each class
11 and prescribe the manner in which such accounts shall be
12 kept. The commission may also prescribe the forms of
13 accounts to be kept by all retail licensees having more
14 than 4 employees, including but not limited to accounts of
15 earnings and expenses and any distribution, payment, or
16 other distribution of earnings or assets, and any other
17 forms, records and memoranda which in the judgment of the
18 commission may be necessary or appropriate to carry out any
19 of the provisions of this Act, including but not limited to
20 such forms, records and memoranda as will readily and
21 accurately disclose at all times the beneficial ownership
22 of such retail licensed business. The accounts, forms,
23 records and memoranda shall be available at all reasonable
24 times for inspection by authorized representatives of the
25 State commission or by any local liquor control
26 commissioner or his or her authorized representative. The

1 commission, may, from time to time, alter, amend or repeal,
2 in whole or in part, any uniform system of accounts, or the
3 form and manner of keeping accounts.

4 (8) In the conduct of any hearing authorized to be held
5 by the commission, to appoint, at the commission's
6 discretion, hearing officers to conduct hearings involving
7 complex issues or issues that will require a protracted
8 period of time to resolve, to examine, or cause to be
9 examined, under oath, any licensee, and to examine or cause
10 to be examined the books and records of such licensee; to
11 hear testimony and take proof material for its information
12 in the discharge of its duties hereunder; to administer or
13 cause to be administered oaths; for any such purpose to
14 issue subpoena or subpoenas to require the attendance of
15 witnesses and the production of books, which shall be
16 effective in any part of this State, and to adopt rules to
17 implement its powers under this paragraph (8).

18 Any Circuit Court may by order duly entered, require
19 the attendance of witnesses and the production of relevant
20 books subpoenaed by the State commission and the court may
21 compel obedience to its order by proceedings for contempt.

22 (9) To investigate the administration of laws in
23 relation to alcoholic liquors in this and other states and
24 any foreign countries, and to recommend from time to time
25 to the Governor and through him or her to the legislature
26 of this State, such amendments to this Act, if any, as it

1 may think desirable and as will serve to further the
2 general broad purposes contained in Section 1-2 hereof.

3 (10) To adopt such rules and regulations consistent
4 with the provisions of this Act which shall be necessary
5 for the control, sale or disposition of alcoholic liquor
6 damaged as a result of an accident, wreck, flood, fire or
7 other similar occurrence.

8 (11) To develop industry educational programs related
9 to responsible serving and selling, particularly in the
10 areas of overserving consumers and illegal underage
11 purchasing and consumption of alcoholic beverages.

12 (11.1) To license persons providing education and
13 training to alcohol beverage sellers and servers for
14 mandatory and non-mandatory training under the Beverage
15 Alcohol Sellers and Servers Education and Training
16 (BASSET) programs and to develop and administer a public
17 awareness program in Illinois to reduce or eliminate the
18 illegal purchase and consumption of alcoholic beverage
19 products by persons under the age of 21. Application for a
20 license shall be made on forms provided by the State
21 Commission.

22 (12) To develop and maintain a repository of license
23 and regulatory information.

24 (13) On or before January 15, 1994, the Commission
25 shall issue a written report to the Governor and General
26 Assembly that is to be based on a comprehensive study of

1 the impact on and implications for the State of Illinois of
2 Section 1926 of the federal ~~Federal~~ ADAMHA Reorganization
3 Act of 1992 (Public Law 102-321). This study shall address
4 the extent to which Illinois currently complies with the
5 provisions of P.L. 102-321 and the rules promulgated
6 pursuant thereto.

7 As part of its report, the Commission shall provide the
8 following essential information:

9 (i) the number of retail distributors of tobacco
10 products, by type and geographic area, in the State;

11 (ii) the number of reported citations and
12 successful convictions, categorized by type and
13 location of retail distributor, for violation of the
14 Prevention of Tobacco Use by Minors and Sale and
15 Distribution of Tobacco Products Act and the Smokeless
16 Tobacco Limitation Act;

17 (iii) the extent and nature of organized
18 educational and governmental activities that are
19 intended to promote, encourage or otherwise secure
20 compliance with any Illinois laws that prohibit the
21 sale or distribution of tobacco products to minors; and

22 (iv) the level of access and availability of
23 tobacco products to individuals under the age of 18.

24 To obtain the data necessary to comply with the
25 provisions of P.L. 102-321 and the requirements of this
26 report, the Commission shall conduct random, unannounced

1 inspections of a geographically and scientifically
2 representative sample of the State's retail tobacco
3 distributors.

4 The Commission shall consult with the Department of
5 Public Health, the Department of Human Services, the
6 Illinois State Police and any other executive branch
7 agency, and private organizations that may have
8 information relevant to this report.

9 The Commission may contract with the Food and Drug
10 Administration of the U.S. Department of Health and Human
11 Services to conduct unannounced investigations of Illinois
12 tobacco vendors to determine compliance with federal laws
13 relating to the illegal sale of cigarettes and smokeless
14 tobacco products to persons under the age of 18.

15 (14) On or before April 30, 2008 and every 2 years
16 thereafter, the Commission shall present a written report
17 to the Governor and the General Assembly that shall be
18 based on a study of the impact of Public Act 95-634 ~~this~~
19 ~~amendatory Act of the 95th General Assembly~~ on the business
20 of soliciting, selling, and shipping wine from inside and
21 outside of this State directly to residents of this State.
22 As part of its report, the Commission shall provide all of
23 the following information:

24 (A) The amount of State excise and sales tax
25 revenues generated.

26 (B) The amount of licensing fees received.

1 (C) The number of cases of wine shipped from inside
2 and outside of this State directly to residents of this
3 State.

4 (D) The number of alcohol compliance operations
5 conducted.

6 (E) The number of winery shipper's licenses
7 issued.

8 (F) The number of each of the following: reported
9 violations; cease and desist notices issued by the
10 Commission; notices of violations issued by the
11 Commission and to the Department of Revenue; and
12 notices and complaints of violations to law
13 enforcement officials, including, without limitation,
14 the Illinois Attorney General and the U.S. Department
15 of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

16 (15) As a means to reduce the underage consumption of
17 alcoholic liquors, the Commission shall conduct alcohol
18 compliance operations to investigate whether businesses
19 that are soliciting, selling, and shipping wine from inside
20 or outside of this State directly to residents of this
21 State are licensed by this State or are selling or
22 attempting to sell wine to persons under 21 years of age in
23 violation of this Act.

24 (16) The Commission shall, in addition to notifying any
25 appropriate law enforcement agency, submit notices of
26 complaints or violations of Sections 6-29 and 6-29.1 by

1 persons who do not hold a winery shipper's license under
2 this ~~amendatory~~ Act to the Illinois Attorney General and to
3 the U.S. Department of Treasury's Alcohol and Tobacco Tax
4 and Trade Bureau.

5 (17) (A) A person licensed to make wine under the laws
6 of another state who has a winery shipper's license under
7 this ~~amendatory~~ Act and annually produces less than 25,000
8 gallons of wine or a person who has a first-class or
9 second-class wine manufacturer's license, a first-class or
10 second-class wine-maker's license, or a limited wine
11 manufacturer's license under this Act and annually
12 produces less than 25,000 gallons of wine may make
13 application to the Commission for a self-distribution
14 exemption to allow the sale of not more than 5,000 gallons
15 of the exemption holder's wine to retail licensees per
16 year.

17 (B) In the application, which shall be sworn under
18 penalty of perjury, such person shall state (1) the
19 date it was established; (2) its volume of production
20 and sales for each year since its establishment; (3)
21 its efforts to establish distributor relationships;
22 (4) that a self-distribution exemption is necessary to
23 facilitate the marketing of its wine; and (5) that it
24 will comply with the liquor and revenue laws of the
25 United States, this State, and any other state where it
26 is licensed.

1 (C) The Commission shall approve the application
2 for a self-distribution exemption if such person: (1)
3 is in compliance with State revenue and liquor laws;
4 (2) is not a member of any affiliated group that
5 produces more than 25,000 gallons of wine per annum or
6 produces any other alcoholic liquor; (3) will not
7 annually produce for sale more than 25,000 gallons of
8 wine; and (4) will not annually sell more than 5,000
9 gallons of its wine to retail licensees.

10 (D) A self-distribution exemption holder shall
11 annually certify to the Commission its production of
12 wine in the previous 12 months and its anticipated
13 production and sales for the next 12 months. The
14 Commission may fine, suspend, or revoke a
15 self-distribution exemption after a hearing if it
16 finds that the exemption holder has made a material
17 misrepresentation in its application, violated a
18 revenue or liquor law of Illinois, exceeded production
19 of 25,000 gallons of wine in any calendar year, or
20 become part of an affiliated group producing more than
21 25,000 gallons of wine or any other alcoholic liquor.

22 (E) Except in hearings for violations of this Act
23 or Public Act 95-634 ~~amendatory Act~~ or a bona fide
24 investigation by duly sworn law enforcement officials,
25 the Commission, or its agents, the Commission shall
26 maintain the production and sales information of a

1 self-distribution exemption holder as confidential and
2 shall not release such information to any person.

3 (F) The Commission shall issue regulations
4 governing self-distribution exemptions consistent with
5 this Section and this Act.

6 (G) Nothing in this subsection (17) shall prohibit
7 a self-distribution exemption holder from entering
8 into or simultaneously having a distribution agreement
9 with a licensed Illinois distributor.

10 (H) It is the intent of this subsection (17) to
11 promote and continue orderly markets. The General
12 Assembly finds that in order to preserve Illinois'
13 regulatory distribution system it is necessary to
14 create an exception for smaller makers of wine as their
15 wines are frequently adjusted in varietals, mixes,
16 vintages, and taste to find and create market niches
17 sometimes too small for distributor or importing
18 distributor business strategies. Limited
19 self-distribution rights will afford and allow smaller
20 makers of wine access to the marketplace in order to
21 develop a customer base without impairing the
22 integrity of the 3-tier system.

23 (18) (A) A class 1 brewer licensee, who must also be
24 either a licensed brewer or licensed non-resident dealer
25 and annually manufacture less than 930,000 gallons of beer,
26 may make application to the State Commission for a

1 self-distribution exemption to allow the sale of not more
2 than 232,500 gallons of the exemption holder's beer to
3 retail licensees per year.

4 (B) In the application, which shall be sworn under
5 penalty of perjury, the class 1 brewer licensee shall
6 state (1) the date it was established; (2) its volume
7 of beer manufactured and sold for each year since its
8 establishment; (3) its efforts to establish
9 distributor relationships; (4) that a
10 self-distribution exemption is necessary to facilitate
11 the marketing of its beer; and (5) that it will comply
12 with the alcoholic beverage and revenue laws of the
13 United States, this State, and any other state where it
14 is licensed.

15 (C) Any application submitted shall be posted on
16 the State Commission's website at least 45 days prior
17 to action by the State Commission. The State Commission
18 shall approve the application for a self-distribution
19 exemption if the class 1 brewer licensee: (1) is in
20 compliance with the State, revenue, and alcoholic
21 beverage laws; (2) is not a member of any affiliated
22 group that manufactures ~~manufacturers~~ more than
23 930,000 gallons of beer per annum or produces any other
24 alcoholic beverages; (3) shall not annually
25 manufacture for sale more than 930,000 gallons of beer;
26 (4) shall not annually sell more than 232,500 gallons

1 of its beer to retail licensees; and (5) has
2 relinquished any brew pub license held by the licensee,
3 including any ownership interest it held in the
4 licensed brew pub.

5 (D) A self-distribution exemption holder shall
6 annually certify to the State Commission its
7 manufacture of beer during the previous 12 months and
8 its anticipated manufacture and sales of beer for the
9 next 12 months. The State Commission may fine, suspend,
10 or revoke a self-distribution exemption after a
11 hearing if it finds that the exemption holder has made
12 a material misrepresentation in its application,
13 violated a revenue or alcoholic beverage law of
14 Illinois, exceeded the manufacture of 930,000 gallons
15 of beer in any calendar year or became part of an
16 affiliated group manufacturing more than 930,000
17 gallons of beer or any other alcoholic beverage.

18 (E) The State Commission shall issue rules and
19 regulations governing self-distribution exemptions
20 consistent with this Act.

21 (F) Nothing in this paragraph (18) shall prohibit a
22 self-distribution exemption holder from entering into
23 or simultaneously having a distribution agreement with
24 a licensed Illinois importing distributor or a
25 distributor. If a self-distribution exemption holder
26 enters into a distribution agreement and has assigned

1 distribution rights to an importing distributor or
2 distributor, then the self-distribution exemption
3 holder's distribution rights in the assigned
4 territories shall cease in a reasonable time not to
5 exceed 60 days.

6 (G) It is the intent of this paragraph (18) to
7 promote and continue orderly markets. The General
8 Assembly finds that in order to preserve Illinois'
9 regulatory distribution system, it is necessary to
10 create an exception for smaller manufacturers in order
11 to afford and allow such smaller manufacturers of beer
12 access to the marketplace in order to develop a
13 customer base without impairing the integrity of the
14 3-tier system.

15 (b) On or before April 30, 1999, the Commission shall
16 present a written report to the Governor and the General
17 Assembly that shall be based on a study of the impact of Public
18 Act 90-739 ~~this amendatory Act of 1998~~ on the business of
19 soliciting, selling, and shipping alcoholic liquor from
20 outside of this State directly to residents of this State.

21 As part of its report, the Commission shall provide the
22 following information:

23 (i) the amount of State excise and sales tax revenues
24 generated as a result of Public Act 90-739 ~~this amendatory~~
25 ~~Act of 1998~~;

26 (ii) the amount of licensing fees received as a result

1 of Public Act 90-739 ~~this amendatory Act of 1998~~;

2 (iii) the number of reported violations, the number of
3 cease and desist notices issued by the Commission, the
4 number of notices of violations issued to the Department of
5 Revenue, and the number of notices and complaints of
6 violations to law enforcement officials.

7 (Source: P.A. 98-401, eff. 8-16-13; 98-939, eff. 7-1-15;
8 98-941, eff. 1-1-15; 99-78, eff. 7-20-15; 99-448, eff. 8-24-15;
9 revised 9-13-16.)

10 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

11 Sec. 5-1. Licenses issued by the Illinois Liquor Control
12 Commission shall be of the following classes:

13 (a) Manufacturer's license - Class 1. Distiller, Class 2.
14 Rectifier, Class 3. Brewer, Class 4. First Class Wine
15 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.
16 First Class Winemaker, Class 7. Second Class Winemaker, Class
17 8. Limited Wine Manufacturer, Class 9. Craft Distiller, Class
18 10. Class 1 Brewer, Class 11. Class 2 Brewer,

19 (b) Distributor's license,

20 (c) Importing Distributor's license,

21 (d) Retailer's license,

22 (e) Special Event Retailer's license (not-for-profit),

23 (f) Railroad license,

24 (g) Boat license,

25 (h) Non-Beverage User's license,

- 1 (i) Wine-maker's premises license,
- 2 (j) Airplane license,
- 3 (k) Foreign importer's license,
- 4 (l) Broker's license,
- 5 (m) Non-resident dealer's license,
- 6 (n) Brew Pub license,
- 7 (o) Auction liquor license,
- 8 (p) Caterer retailer license,
- 9 (q) Special use permit license,
- 10 (r) Winery shipper's license,
- 11 (s) Craft distiller tasting permit.

12 No person, firm, partnership, corporation, or other legal
13 business entity that is engaged in the manufacturing of wine
14 may concurrently obtain and hold a wine-maker's license and a
15 wine manufacturer's license.

16 (a) A manufacturer's license shall allow the manufacture,
17 importation in bulk, storage, distribution and sale of
18 alcoholic liquor to persons without the State, as may be
19 permitted by law and to licensees in this State as follows:

20 Class 1. A Distiller may make sales and deliveries of
21 alcoholic liquor to distillers, rectifiers, importing
22 distributors, distributors and non-beverage users and to no
23 other licensees.

24 Class 2. A Rectifier, who is not a distiller, as defined
25 herein, may make sales and deliveries of alcoholic liquor to
26 rectifiers, importing distributors, distributors, retailers

1 and non-beverage users and to no other licensees.

2 Class 3. A Brewer may make sales and deliveries of beer to
3 importing distributors and distributors and may make sales as
4 authorized under subsection (e) of Section 6-4 of this Act.

5 Class 4. A first class wine-manufacturer may make sales and
6 deliveries of up to 50,000 gallons of wine to manufacturers,
7 importing distributors and distributors, and to no other
8 licensees.

9 Class 5. A second class Wine manufacturer may make sales
10 and deliveries of more than 50,000 gallons of wine to
11 manufacturers, importing distributors and distributors and to
12 no other licensees.

13 Class 6. A first-class wine-maker's license shall allow the
14 manufacture of up to 50,000 gallons of wine per year, and the
15 storage and sale of such wine to distributors in the State and
16 to persons without the State, as may be permitted by law. A
17 person who, prior to June 1, 2008 (the effective date of Public
18 Act 95-634), is a holder of a first-class wine-maker's license
19 and annually produces more than 25,000 gallons of its own wine
20 and who distributes its wine to licensed retailers shall cease
21 this practice on or before July 1, 2008 in compliance with
22 Public Act 95-634.

23 Class 7. A second-class wine-maker's license shall allow
24 the manufacture of between 50,000 and 150,000 gallons of wine
25 per year, and the storage and sale of such wine to distributors
26 in this State and to persons without the State, as may be

1 permitted by law. A person who, prior to June 1, 2008 (the
2 effective date of Public Act 95-634), is a holder of a
3 second-class wine-maker's license and annually produces more
4 than 25,000 gallons of its own wine and who distributes its
5 wine to licensed retailers shall cease this practice on or
6 before July 1, 2008 in compliance with Public Act 95-634.

7 Class 8. A limited wine-manufacturer may make sales and
8 deliveries not to exceed 40,000 gallons of wine per year to
9 distributors, and to non-licensees in accordance with the
10 provisions of this Act.

11 Class 9. A craft distiller license shall allow the
12 manufacture of up to 100,000 ~~March 1, 2013 (Public Act 97-1166)~~
13 gallons of spirits by distillation per year and the storage of
14 such spirits. If a craft distiller licensee, including a craft
15 distiller licensee who holds more than one craft distiller
16 license, is not affiliated with any other manufacturer of
17 spirits, then the craft distiller licensee may sell such
18 spirits to distributors in this State and up to 2,500 gallons
19 of such spirits to non-licensees to the extent permitted by any
20 exemption approved by the Commission pursuant to Section 6-4 of
21 this Act. A craft distiller license holder may store such
22 spirits at a non-contiguous licensed location, but at no time
23 shall a craft distiller license holder directly or indirectly
24 produce in the aggregate more than 100,000 gallons of spirits
25 per year.

26 A craft distiller licensee may hold more than one craft

1 distiller's license. However, a craft distiller that holds more
2 than one craft distiller license shall not manufacture, in the
3 aggregate, more than 100,000 gallons of spirits by distillation
4 per year and shall not sell, in the aggregate, more than 2,500
5 gallons of such spirits to non-licensees in accordance with an
6 exemption approved by the State Commission pursuant to Section
7 6-4 of this Act.

8 Any craft distiller licensed under this Act who on July 28,
9 2010 (the effective date of Public Act 96-1367) was licensed as
10 a distiller and manufactured no more spirits than permitted by
11 this Section shall not be required to pay the initial licensing
12 fee.

13 Class 10. A class 1 brewer license, which may only be
14 issued to a licensed brewer or licensed non-resident dealer,
15 shall allow the manufacture of up to 930,000 gallons of beer
16 per year provided that the class 1 brewer licensee does not
17 manufacture more than a combined 930,000 gallons of beer per
18 year and is not a member of or affiliated with, directly or
19 indirectly, a manufacturer that produces more than 930,000
20 gallons of beer per year or any other alcoholic liquor. A class
21 1 brewer licensee may make sales and deliveries to importing
22 distributors and distributors and to retail licensees in
23 accordance with the conditions set forth in paragraph (18) of
24 subsection (a) of Section 3-12 of this Act.

25 Class 11. A class 2 brewer license, which may only be
26 issued to a licensed brewer or licensed non-resident dealer,

1 shall allow the manufacture of up to 3,720,000 gallons of beer
2 per year provided that the class 2 brewer licensee does not
3 manufacture more than a combined 3,720,000 gallons of beer per
4 year and is not a member of or affiliated with, directly or
5 indirectly, a manufacturer that produces more than 3,720,000
6 gallons of beer per year or any other alcoholic liquor. A class
7 2 brewer licensee may make sales and deliveries to importing
8 distributors and distributors, but shall not make sales or
9 deliveries to any other licensee. If the State Commission
10 provides prior approval, a class 2 brewer licensee may annually
11 transfer up to 3,720,000 gallons of beer manufactured by that
12 class 2 brewer licensee to the premises of a licensed class 2
13 brewer wholly owned and operated by the same licensee.

14 (a-1) A manufacturer which is licensed in this State to
15 make sales or deliveries of alcoholic liquor to licensed
16 distributors or importing distributors and which enlists
17 agents, representatives, or individuals acting on its behalf
18 who contact licensed retailers on a regular and continual basis
19 in this State must register those agents, representatives, or
20 persons acting on its behalf with the State Commission.

21 Registration of agents, representatives, or persons acting
22 on behalf of a manufacturer is fulfilled by submitting a form
23 to the Commission. The form shall be developed by the
24 Commission and shall include the name and address of the
25 applicant, the name and address of the manufacturer he or she
26 represents, the territory or areas assigned to sell to or

1 discuss pricing terms of alcoholic liquor, and any other
2 questions deemed appropriate and necessary. All statements in
3 the forms required to be made by law or by rule shall be deemed
4 material, and any person who knowingly misstates any material
5 fact under oath in an application is guilty of a Class B
6 misdemeanor. Fraud, misrepresentation, false statements,
7 misleading statements, evasions, or suppression of material
8 facts in the securing of a registration are grounds for
9 suspension or revocation of the registration. The State
10 Commission shall post a list of registered agents on the
11 Commission's website.

12 (b) A distributor's license shall allow the wholesale
13 purchase and storage of alcoholic liquors and sale of alcoholic
14 liquors to licensees in this State and to persons without the
15 State, as may be permitted by law. No person licensed as a
16 distributor shall be granted a non-resident dealer's license.

17 (c) An importing distributor's license may be issued to and
18 held by those only who are duly licensed distributors, upon the
19 filing of an application by a duly licensed distributor, with
20 the Commission and the Commission shall, without the payment of
21 any fee, immediately issue such importing distributor's
22 license to the applicant, which shall allow the importation of
23 alcoholic liquor by the licensee into this State from any point
24 in the United States outside this State, and the purchase of
25 alcoholic liquor in barrels, casks or other bulk containers and
26 the bottling of such alcoholic liquors before resale thereof,

1 but all bottles or containers so filled shall be sealed,
2 labeled, stamped and otherwise made to comply with all
3 provisions, rules and regulations governing manufacturers in
4 the preparation and bottling of alcoholic liquors. The
5 importing distributor's license shall permit such licensee to
6 purchase alcoholic liquor from Illinois licensed non-resident
7 dealers and foreign importers only. No person licensed as an
8 importing distributor shall be granted a non-resident dealer's
9 license.

10 (d) A retailer's license shall allow the licensee to sell
11 and offer for sale at retail, only in the premises specified in
12 the license, alcoholic liquor for use or consumption, but not
13 for resale in any form. Nothing in Public Act 95-634 shall
14 deny, limit, remove, or restrict the ability of a holder of a
15 retailer's license to transfer, deliver, or ship alcoholic
16 liquor to the purchaser for use or consumption subject to any
17 applicable local law or ordinance. Any retail license issued to
18 a manufacturer shall only permit the manufacturer to sell beer
19 at retail on the premises actually occupied by the
20 manufacturer. For the purpose of further describing the type of
21 business conducted at a retail licensed premises, a retailer's
22 licensee may be designated by the State Commission as (i) an on
23 premise consumption retailer, (ii) an off premise sale
24 retailer, or (iii) a combined on premise consumption and off
25 premise sale retailer.

26 Notwithstanding any other provision of this subsection

1 (d), a retail licensee may sell alcoholic liquors to a special
2 event retailer licensee for resale to the extent permitted
3 under subsection (e).

4 (e) A special event retailer's license (not-for-profit)
5 shall permit the licensee to purchase alcoholic liquors from an
6 Illinois licensed distributor (unless the licensee purchases
7 less than \$500 of alcoholic liquors for the special event, in
8 which case the licensee may purchase the alcoholic liquors from
9 a licensed retailer) and shall allow the licensee to sell and
10 offer for sale, at retail, alcoholic liquors for use or
11 consumption, but not for resale in any form and only at the
12 location and on the specific dates designated for the special
13 event in the license. An applicant for a special event retailer
14 license must (i) furnish with the application: (A) a resale
15 number issued under Section 2c of the Retailers' Occupation Tax
16 Act or evidence that the applicant is registered under Section
17 2a of the Retailers' Occupation Tax Act, (B) a current, valid
18 exemption identification number issued under Section 1g of the
19 Retailers' Occupation Tax Act, and a certification to the
20 Commission that the purchase of alcoholic liquors will be a
21 tax-exempt purchase, or (C) a statement that the applicant is
22 not registered under Section 2a of the Retailers' Occupation
23 Tax Act, does not hold a resale number under Section 2c of the
24 Retailers' Occupation Tax Act, and does not hold an exemption
25 number under Section 1g of the Retailers' Occupation Tax Act,
26 in which event the Commission shall set forth on the special

1 event retailer's license a statement to that effect; (ii)
2 submit with the application proof satisfactory to the State
3 Commission that the applicant will provide dram shop liability
4 insurance in the maximum limits; and (iii) show proof
5 satisfactory to the State Commission that the applicant has
6 obtained local authority approval.

7 (f) A railroad license shall permit the licensee to import
8 alcoholic liquors into this State from any point in the United
9 States outside this State and to store such alcoholic liquors
10 in this State; to make wholesale purchases of alcoholic liquors
11 directly from manufacturers, foreign importers, distributors
12 and importing distributors from within or outside this State;
13 and to store such alcoholic liquors in this State; provided
14 that the above powers may be exercised only in connection with
15 the importation, purchase or storage of alcoholic liquors to be
16 sold or dispensed on a club, buffet, lounge or dining car
17 operated on an electric, gas or steam railway in this State;
18 and provided further, that railroad licensees exercising the
19 above powers shall be subject to all provisions of Article VIII
20 of this Act as applied to importing distributors. A railroad
21 license shall also permit the licensee to sell or dispense
22 alcoholic liquors on any club, buffet, lounge or dining car
23 operated on an electric, gas or steam railway regularly
24 operated by a common carrier in this State, but shall not
25 permit the sale for resale of any alcoholic liquors to any
26 licensee within this State. A license shall be obtained for

1 each car in which such sales are made.

2 (g) A boat license shall allow the sale of alcoholic liquor
3 in individual drinks, on any passenger boat regularly operated
4 as a common carrier on navigable waters in this State or on any
5 riverboat operated under the Riverboat Gambling Act, which boat
6 or riverboat maintains a public dining room or restaurant
7 thereon.

8 (h) A non-beverage user's license shall allow the licensee
9 to purchase alcoholic liquor from a licensed manufacturer or
10 importing distributor, without the imposition of any tax upon
11 the business of such licensed manufacturer or importing
12 distributor as to such alcoholic liquor to be used by such
13 licensee solely for the non-beverage purposes set forth in
14 subsection (a) of Section 8-1 of this Act, and such licenses
15 shall be divided and classified and shall permit the purchase,
16 possession and use of limited and stated quantities of
17 alcoholic liquor as follows:

- 18 Class 1, not to exceed 500 gallons
- 19 Class 2, not to exceed 1,000 gallons
- 20 Class 3, not to exceed 5,000 gallons
- 21 Class 4, not to exceed 10,000 gallons
- 22 Class 5, not to exceed 50,000 gallons

23 (i) A wine-maker's premises license shall allow a licensee
24 that concurrently holds a first-class wine-maker's license to
25 sell and offer for sale at retail in the premises specified in
26 such license not more than 50,000 gallons of the first-class

1 wine-maker's wine that is made at the first-class wine-maker's
2 licensed premises per year for use or consumption, but not for
3 resale in any form. A wine-maker's premises license shall allow
4 a licensee who concurrently holds a second-class wine-maker's
5 license to sell and offer for sale at retail in the premises
6 specified in such license up to 100,000 gallons of the
7 second-class wine-maker's wine that is made at the second-class
8 wine-maker's licensed premises per year for use or consumption
9 but not for resale in any form. A wine-maker's premises license
10 shall allow a licensee that concurrently holds a first-class
11 wine-maker's license or a second-class wine-maker's license to
12 sell and offer for sale at retail at the premises specified in
13 the wine-maker's premises license, for use or consumption but
14 not for resale in any form, any beer, wine, and spirits
15 purchased from a licensed distributor. Upon approval from the
16 State Commission, a wine-maker's premises license shall allow
17 the licensee to sell and offer for sale at (i) the wine-maker's
18 licensed premises and (ii) at up to 2 additional locations for
19 use and consumption and not for resale. Each location shall
20 require additional licensing per location as specified in
21 Section 5-3 of this Act. A wine-maker's premises licensee shall
22 secure liquor liability insurance coverage in an amount at
23 least equal to the maximum liability amounts set forth in
24 subsection (a) of Section 6-21 of this Act.

25 (j) An airplane license shall permit the licensee to import
26 alcoholic liquors into this State from any point in the United

1 States outside this State and to store such alcoholic liquors
2 in this State; to make wholesale purchases of alcoholic liquors
3 directly from manufacturers, foreign importers, distributors
4 and importing distributors from within or outside this State;
5 and to store such alcoholic liquors in this State; provided
6 that the above powers may be exercised only in connection with
7 the importation, purchase or storage of alcoholic liquors to be
8 sold or dispensed on an airplane; and provided further, that
9 airplane licensees exercising the above powers shall be subject
10 to all provisions of Article VIII of this Act as applied to
11 importing distributors. An airplane licensee shall also permit
12 the sale or dispensing of alcoholic liquors on any passenger
13 airplane regularly operated by a common carrier in this State,
14 but shall not permit the sale for resale of any alcoholic
15 liquors to any licensee within this State. A single airplane
16 license shall be required of an airline company if liquor
17 service is provided on board aircraft in this State. The annual
18 fee for such license shall be as determined in Section 5-3.

19 (k) A foreign importer's license shall permit such licensee
20 to purchase alcoholic liquor from Illinois licensed
21 non-resident dealers only, and to import alcoholic liquor other
22 than in bulk from any point outside the United States and to
23 sell such alcoholic liquor to Illinois licensed importing
24 distributors and to no one else in Illinois; provided that (i)
25 the foreign importer registers with the State Commission every
26 brand of alcoholic liquor that it proposes to sell to Illinois

1 licensees during the license period, (ii) the foreign importer
2 complies with all of the provisions of Section 6-9 of this Act
3 with respect to registration of such Illinois licensees as may
4 be granted the right to sell such brands at wholesale, and
5 (iii) the foreign importer complies with the provisions of
6 Sections 6-5 and 6-6 of this Act to the same extent that these
7 provisions apply to manufacturers.

8 (1) (i) A broker's license shall be required of all persons
9 who solicit orders for, offer to sell or offer to supply
10 alcoholic liquor to retailers in the State of Illinois, or who
11 offer to retailers to ship or cause to be shipped or to make
12 contact with distillers, rectifiers, brewers or manufacturers
13 or any other party within or without the State of Illinois in
14 order that alcoholic liquors be shipped to a distributor,
15 importing distributor or foreign importer, whether such
16 solicitation or offer is consummated within or without the
17 State of Illinois.

18 No holder of a retailer's license issued by the Illinois
19 Liquor Control Commission shall purchase or receive any
20 alcoholic liquor, the order for which was solicited or offered
21 for sale to such retailer by a broker unless the broker is the
22 holder of a valid broker's license.

23 The broker shall, upon the acceptance by a retailer of the
24 broker's solicitation of an order or offer to sell or supply or
25 deliver or have delivered alcoholic liquors, promptly forward
26 to the Illinois Liquor Control Commission a notification of

1 said transaction in such form as the Commission may by
2 regulations prescribe.

3 (ii) A broker's license shall be required of a person
4 within this State, other than a retail licensee, who, for a fee
5 or commission, promotes, solicits, or accepts orders for
6 alcoholic liquor, for use or consumption and not for resale, to
7 be shipped from this State and delivered to residents outside
8 of this State by an express company, common carrier, or
9 contract carrier. This Section does not apply to any person who
10 promotes, solicits, or accepts orders for wine as specifically
11 authorized in Section 6-29 of this Act.

12 A broker's license under this subsection (1) shall not
13 entitle the holder to buy or sell any alcoholic liquors for his
14 own account or to take or deliver title to such alcoholic
15 liquors.

16 This subsection (1) shall not apply to distributors,
17 employees of distributors, or employees of a manufacturer who
18 has registered the trademark, brand or name of the alcoholic
19 liquor pursuant to Section 6-9 of this Act, and who regularly
20 sells such alcoholic liquor in the State of Illinois only to
21 its registrants thereunder.

22 Any agent, representative, or person subject to
23 registration pursuant to subsection (a-1) of this Section shall
24 not be eligible to receive a broker's license.

25 (m) A non-resident dealer's license shall permit such
26 licensee to ship into and warehouse alcoholic liquor into this

1 State from any point outside of this State, and to sell such
2 alcoholic liquor to Illinois licensed foreign importers and
3 importing distributors and to no one else in this State;
4 provided that (i) said non-resident dealer shall register with
5 the Illinois Liquor Control Commission each and every brand of
6 alcoholic liquor which it proposes to sell to Illinois
7 licensees during the license period, (ii) it shall comply with
8 all of the provisions of Section 6-9 hereof with respect to
9 registration of such Illinois licensees as may be granted the
10 right to sell such brands at wholesale, and (iii) the
11 non-resident dealer shall comply with the provisions of
12 Sections 6-5 and 6-6 of this Act to the same extent that these
13 provisions apply to manufacturers. No person licensed as a
14 non-resident dealer shall be granted a distributor's or
15 importing distributor's license.

16 (n) A brew pub license shall allow the licensee to only (i)
17 manufacture up to 155,000 gallons of beer per year only on the
18 premises specified in the license, (ii) make sales of the beer
19 manufactured on the premises or, with the approval of the
20 Commission, beer manufactured on another brew pub licensed
21 premises that is wholly owned and operated by the same licensee
22 to importing distributors, distributors, and to non-licensees
23 for use and consumption, (iii) store the beer upon the
24 premises, (iv) sell and offer for sale at retail from the
25 licensed premises for off-premises consumption no more than
26 155,000 gallons per year so long as such sales are only made

1 in-person, (v) sell and offer for sale at retail for use and
2 consumption on the premises specified in the license any form
3 of alcoholic liquor purchased from a licensed distributor or
4 importing distributor, and (vi) with the prior approval of the
5 Commission, annually transfer no more than 155,000 gallons of
6 beer manufactured on the premises to a licensed brew pub wholly
7 owned and operated by the same licensee.

8 A brew pub licensee shall not under any circumstance sell
9 or offer for sale beer manufactured by the brew pub licensee to
10 retail licensees.

11 A person who holds a class 2 brewer license may
12 simultaneously hold a brew pub license if the class 2 brewer
13 (i) does not, under any circumstance, sell or offer for sale
14 beer manufactured by the class 2 brewer to retail licensees;
15 (ii) does not hold more than 3 brew pub licenses in this State;
16 (iii) does not manufacture more than a combined 3,720,000
17 gallons of beer per year, including the beer manufactured at
18 the brew pub; and (iv) is not a member of or affiliated with,
19 directly or indirectly, a manufacturer that produces more than
20 3,720,000 gallons of beer per year or any other alcoholic
21 liquor.

22 Notwithstanding any other provision of this Act, a licensed
23 brewer, class 2 brewer, or non-resident dealer who before July
24 1, 2015 manufactured less than 3,720,000 gallons of beer per
25 year and held a brew pub license on or before July 1, 2015 may
26 (i) continue to qualify for and hold that brew pub license for

1 the licensed premises and (ii) manufacture more than 3,720,000
2 gallons of beer per year and continue to qualify for and hold
3 that brew pub license if that brewer, class 2 brewer, or
4 non-resident dealer does not simultaneously hold a class 1
5 brewer license and is not a member of or affiliated with,
6 directly or indirectly, a manufacturer that produces more than
7 3,720,000 gallons of beer per year or that produces any other
8 alcoholic liquor.

9 (o) A caterer retailer license shall allow the holder to
10 serve alcoholic liquors as an incidental part of a food service
11 that serves prepared meals which excludes the serving of snacks
12 as the primary meal, either on or off-site whether licensed or
13 unlicensed.

14 (p) An auction liquor license shall allow the licensee to
15 sell and offer for sale at auction wine and spirits for use or
16 consumption, or for resale by an Illinois liquor licensee in
17 accordance with provisions of this Act. An auction liquor
18 license will be issued to a person and it will permit the
19 auction liquor licensee to hold the auction anywhere in the
20 State. An auction liquor license must be obtained for each
21 auction at least 14 days in advance of the auction date.

22 (q) A special use permit license shall allow an Illinois
23 licensed retailer to transfer a portion of its alcoholic liquor
24 inventory from its retail licensed premises to the premises
25 specified in the license hereby created, and to sell or offer
26 for sale at retail, only in the premises specified in the

1 license hereby created, the transferred alcoholic liquor for
2 use or consumption, but not for resale in any form. A special
3 use permit license may be granted for the following time
4 periods: one day or less; 2 or more days to a maximum of 15 days
5 per location in any 12-month ~~12-month~~ period. An applicant for
6 the special use permit license must also submit with the
7 application proof satisfactory to the State Commission that the
8 applicant will provide dram shop liability insurance to the
9 maximum limits and have local authority approval.

10 (r) A winery shipper's license shall allow a person with a
11 first-class or second-class wine manufacturer's license, a
12 first-class or second-class wine-maker's license, or a limited
13 wine manufacturer's license or who is licensed to make wine
14 under the laws of another state to ship wine made by that
15 licensee directly to a resident of this State who is 21 years
16 of age or older for that resident's personal use and not for
17 resale. Prior to receiving a winery shipper's license, an
18 applicant for the license must provide the Commission with a
19 true copy of its current license in any state in which it is
20 licensed as a manufacturer of wine. An applicant for a winery
21 shipper's license must also complete an application form that
22 provides any other information the Commission deems necessary.
23 The application form shall include all addresses from which the
24 applicant for a winery shipper's license intends to ship wine,
25 including the name and address of any third party, except for a
26 common carrier, authorized to ship wine on behalf of the

1 manufacturer. The application form shall include an
2 acknowledgement consenting to the jurisdiction of the
3 Commission, the Illinois Department of Revenue, and the courts
4 of this State concerning the enforcement of this Act and any
5 related laws, rules, and regulations, including authorizing
6 the Department of Revenue and the Commission to conduct audits
7 for the purpose of ensuring compliance with Public Act 95-634,
8 and an acknowledgement that the wine manufacturer is in
9 compliance with Section 6-2 of this Act. Any third party,
10 except for a common carrier, authorized to ship wine on behalf
11 of a first-class or second-class wine manufacturer's licensee,
12 a first-class or second-class wine-maker's licensee, a limited
13 wine manufacturer's licensee, or a person who is licensed to
14 make wine under the laws of another state shall also be
15 disclosed by the winery shipper's licensee, and a copy of the
16 written appointment of the third-party wine provider, except
17 for a common carrier, to the wine manufacturer shall be filed
18 with the State Commission as a supplement to the winery
19 shipper's license application or any renewal thereof. The
20 winery shipper's license holder shall affirm under penalty of
21 perjury, as part of the winery shipper's license application or
22 renewal, that he or she only ships wine, either directly or
23 indirectly through a third-party provider, from the licensee's
24 own production.

25 Except for a common carrier, a third-party provider
26 shipping wine on behalf of a winery shipper's license holder is

1 the agent of the winery shipper's license holder and, as such,
2 a winery shipper's license holder is responsible for the acts
3 and omissions of the third-party provider acting on behalf of
4 the license holder. A third-party provider, except for a common
5 carrier, that engages in shipping wine into Illinois on behalf
6 of a winery shipper's license holder shall consent to the
7 jurisdiction of the State Commission and the State. Any
8 third-party, except for a common carrier, holding such an
9 appointment shall, by February 1 of each calendar year, file
10 with the State Commission a statement detailing each shipment
11 made to an Illinois resident. The State Commission shall adopt
12 rules as soon as practicable to implement the requirements of
13 Public Act 99-904 ~~this amendatory Act of the 99th General~~
14 ~~Assembly~~ and shall adopt rules prohibiting any such third-party
15 appointment of a third-party provider, except for a common
16 carrier, that has been deemed by the State Commission to have
17 violated the provisions of this Act with regard to any winery
18 shipper licensee.

19 A winery shipper licensee must pay to the Department of
20 Revenue the State liquor gallonage tax under Section 8-1 for
21 all wine that is sold by the licensee and shipped to a person
22 in this State. For the purposes of Section 8-1, a winery
23 shipper licensee shall be taxed in the same manner as a
24 manufacturer of wine. A licensee who is not otherwise required
25 to register under the Retailers' Occupation Tax Act must
26 register under the Use Tax Act to collect and remit use tax to

1 the Department of Revenue for all gallons of wine that are sold
2 by the licensee and shipped to persons in this State. If a
3 licensee fails to remit the tax imposed under this Act in
4 accordance with the provisions of Article VIII of this Act, the
5 winery shipper's license shall be revoked in accordance with
6 the provisions of Article VII of this Act. If a licensee fails
7 to properly register and remit tax under the Use Tax Act or the
8 Retailers' Occupation Tax Act for all wine that is sold by the
9 winery shipper and shipped to persons in this State, the winery
10 shipper's license shall be revoked in accordance with the
11 provisions of Article VII of this Act.

12 A winery shipper licensee must collect, maintain, and
13 submit to the Commission on a semi-annual basis the total
14 number of cases per resident of wine shipped to residents of
15 this State. A winery shipper licensed under this subsection (r)
16 must comply with the requirements of Section 6-29 of this Act.

17 Pursuant to paragraph (5.1) or (5.3) of subsection (a) of
18 Section 3-12, the State Commission may receive, respond to, and
19 investigate any complaint and impose any of the remedies
20 specified in paragraph (1) of subsection (a) of Section 3-12.

21 (s) A craft distiller tasting permit license shall allow an
22 Illinois licensed craft distiller to transfer a portion of its
23 alcoholic liquor inventory from its craft distiller licensed
24 premises to the premises specified in the license hereby
25 created and to conduct a sampling, only in the premises
26 specified in the license hereby created, of the transferred

1 alcoholic liquor in accordance with subsection (c) of Section
 2 6-31 of this Act. The transferred alcoholic liquor may not be
 3 sold or resold in any form. An applicant for the craft
 4 distiller tasting permit license must also submit with the
 5 application proof satisfactory to the State Commission that the
 6 applicant will provide dram shop liability insurance to the
 7 maximum limits and have local authority approval.

8 (Source: P.A. 98-394, eff. 8-16-13; 98-401, eff. 8-16-13;
 9 98-756, eff. 7-16-14; 99-448, eff. 8-24-15; 99-642, eff.
 10 7-28-16; 99-800, eff. 8-12-16; 99-902, eff. 8-26-16; 99-904,
 11 eff. 1-1-17; revised 9-15-16.)

12 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

13 Sec. 5-3. License fees. Except as otherwise provided
 14 herein, at the time application is made to the State Commission
 15 for a license of any class, the applicant shall pay to the
 16 State Commission the fee hereinafter provided for the kind of
 17 license applied for.

18 The fee for licenses issued by the State Commission shall
 19 be as follows:

20 ~~For a manufacturer's license:~~

21	Online	Initial
22	renewal	license
23		or
24		non-online
25		renewal

1	<u>For a manufacturer's license:</u>		
2	Class 1. Distiller	\$4,000	\$5,000
3	Class 2. Rectifier	4,000	5,000
4	Class 3. Brewer	1,200	1,500
5	Class 4. First-class Wine		
6	Manufacturer	750	900
7	Class 5. Second-class		
8	Wine Manufacturer.....	1,500	1,750
9	Class 6. First-class wine-maker	750	900
10	Class 7. Second-class wine-maker ..	1,500	1,750
11	Class 8. Limited Wine		
12	Manufacturer	250	350
13	Class 9. Craft Distiller	2,000	2,500
14	Class 10. Class 1 Brewer	50	75
15	Class 11. Class 2 Brewer	75	100
16	For a Brew Pub License	1,200	1,500
17	For a caterer retailer's license ..	350	500
18	For a foreign importer's license ..	25	25
19	For an importing distributor's		
20	license.....	25	25
21	For a distributor's license		
22	(11,250,000 gallons		
23	or over)	1,450	2,200
24	For a distributor's license		
25	(over 4,500,000 gallons, but		
26	under 11,250,000 gallons)	950	1,450

1	For a distributor's license		
2	(4,500,000 gallons or under) ..	300	450
3	For a non-resident dealer's license		
4	(500,000 gallons or over)	1,200	1,500
5	For a non-resident dealer's license		
6	(under 500,000 gallons)	250	350
7	For a wine-maker's premises		
8	license.....	250	500
9	For a winery shipper's license		
10	(under 250,000 gallons)	200	350
11	For a winery shipper's license		
12	(250,000 or over, but		
13	under 500,000 gallons)	750	1,000
14	For a winery shipper's license		
15	(500,000 gallons or over)	1,200	1,500
16	For a wine-maker's premises license,		
17	second location.....	500	1,000
18	For a wine-maker's premises license,		
19	third location	500	1,000
20	For a retailer's license	600	750
21	For a special event retailer's		
22	license, (not-for-profit).....	25	25
23	For a special use permit license,		
24	one day only	100	150
25	2 days or more	150	250
26	For a railroad license	100	150

1	For a boat license	500	1,000
2	For an airplane license, times the		
3	licensee's maximum number of		
4	aircraft in flight, serving		
5	liquor over the State at any		
6	given time, which either		
7	originate, terminate, or make		
8	an intermediate stop in		
9	the State	100	150
10	For a non-beverage user's license:		
11	Class 1	24	24
12	Class 2	60	60
13	Class 3	120	120
14	Class 4	240	240
15	Class 5	600	600
16	For a broker's license	750	1,000
17	For an auction liquor license	100	150
18	For a homebrewer special		
19	event permit	25	25
20	For a craft distiller		
21	tasting permit	<u>25</u>	25
22	For a BASSET trainer license	300	350
23	For a tasting representative		
24	license.....	200	300

25 Fees collected under this Section shall be paid into the
 26 Dram Shop Fund. On and after July 1, 2003 and until June 30,

1 2016, of the funds received for a retailer's license, in
2 addition to the first \$175, an additional \$75 shall be paid
3 into the Dram Shop Fund, and \$250 shall be paid into the
4 General Revenue Fund. On and after June 30, 2016, one-half of
5 the funds received for a retailer's license shall be paid into
6 the Dram Shop Fund and one-half of the funds received for a
7 retailer's license shall be paid into the General Revenue Fund.
8 Beginning June 30, 1990 and on June 30 of each subsequent year
9 through June 29, 2003, any balance over \$5,000,000 remaining in
10 the Dram Shop Fund shall be credited to State liquor licensees
11 and applied against their fees for State liquor licenses for
12 the following year. The amount credited to each licensee shall
13 be a proportion of the balance in the Dram Fund that is the
14 same as the proportion of the license fee paid by the licensee
15 under this Section for the period in which the balance was
16 accumulated to the aggregate fees paid by all licensees during
17 that period.

18 No fee shall be paid for licenses issued by the State
19 Commission to the following non-beverage users:

20 (a) Hospitals, sanitariums, or clinics when their use
21 of alcoholic liquor is exclusively medicinal, mechanical
22 or scientific.

23 (b) Universities, colleges of learning or schools when
24 their use of alcoholic liquor is exclusively medicinal,
25 mechanical or scientific.

26 (c) Laboratories when their use is exclusively for the

1 purpose of scientific research.

2 (Source: P.A. 98-55, eff. 7-5-13; 99-448, eff. 8-24-15; 99-902,
3 eff. 8-26-16; 99-904, eff. 8-26-16; revised 9-13-16.)

4 (235 ILCS 5/6-4) (from Ch. 43, par. 121)

5 Sec. 6-4. (a) No person licensed by any licensing authority
6 as a distiller, or a wine manufacturer, or any subsidiary or
7 affiliate thereof, or any officer, associate, member, partner,
8 representative, employee, agent or shareholder owning more
9 than 5% of the outstanding shares of such person shall be
10 issued an importing distributor's or distributor's license,
11 nor shall any person licensed by any licensing authority as an
12 importing distributor, distributor or retailer, or any
13 subsidiary or affiliate thereof, or any officer or associate,
14 member, partner, representative, employee, agent or
15 shareholder owning more than 5% of the outstanding shares of
16 such person be issued a distiller's license, a craft
17 distiller's license, or a wine manufacturer's license; and no
18 person or persons licensed as a distiller or craft distiller by
19 any licensing authority shall have any interest, directly or
20 indirectly, with such distributor or importing distributor.

21 However, an importing distributor or distributor, which on
22 January 1, 1985 is owned by a brewer, or any subsidiary or
23 affiliate thereof or any officer, associate, member, partner,
24 representative, employee, agent or shareholder owning more
25 than 5% of the outstanding shares of the importing distributor

1 or distributor referred to in this paragraph, may own or
2 acquire an ownership interest of more than 5% of the
3 outstanding shares of a wine manufacturer and be issued a wine
4 manufacturer's license by any licensing authority.

5 (b) The foregoing provisions shall not apply to any person
6 licensed by any licensing authority as a distiller or wine
7 manufacturer, or to any subsidiary or affiliate of any
8 distiller or wine manufacturer who shall have been heretofore
9 licensed by the State Commission as either an importing
10 distributor or distributor during the annual licensing period
11 expiring June 30, 1947, and shall actually have made sales
12 regularly to retailers.

13 (c) Provided, however, that in such instances where a
14 distributor's or importing distributor's license has been
15 issued to any distiller or wine manufacturer or to any
16 subsidiary or affiliate of any distiller or wine manufacturer
17 who has, during the licensing period ending June 30, 1947, sold
18 or distributed as such licensed distributor or importing
19 distributor alcoholic liquors and wines to retailers, such
20 distiller or wine manufacturer or any subsidiary or affiliate
21 of any distiller or wine manufacturer holding such
22 distributor's or importing distributor's license may continue
23 to sell or distribute to retailers such alcoholic liquors and
24 wines which are manufactured, distilled, processed or marketed
25 by distillers and wine manufacturers whose products it sold or
26 distributed to retailers during the whole or any part of its

1 licensing periods; and such additional brands and additional
2 products may be added to the line of such distributor or
3 importing distributor, provided, that such brands and such
4 products were not sold or distributed by any distributor or
5 importing distributor licensed by the State Commission during
6 the licensing period ending June 30, 1947, but can not sell or
7 distribute to retailers any other alcoholic liquors or wines.

8 (d) It shall be unlawful for any distiller licensed
9 anywhere to have any stock ownership or interest in any
10 distributor's or importing distributor's license wherein any
11 other person has an interest therein who is not a distiller and
12 does not own more than 5% of any stock in any distillery.
13 Nothing herein contained shall apply to such distillers or
14 their subsidiaries or affiliates, who had a distributor's or
15 importing distributor's license during the licensing period
16 ending June 30, 1947, which license was owned in whole by such
17 distiller, or subsidiaries or affiliates of such distiller.

18 (e) Any person licensed as a brewer, class 1 brewer, or
19 class 2 brewer shall be permitted to sell on the licensed
20 premises to non-licensees for on or off-premises consumption
21 for the premises in which he or she actually conducts such
22 business beer manufactured by the brewer, class 1 brewer, or
23 class 2 brewer. Such sales shall be limited to on-premises,
24 in-person sales only, for lawful consumption on or off
25 premises. Such authorization shall be considered a privilege
26 granted by the brewer license and, other than a manufacturer of

1 beer as stated above, no manufacturer or distributor or
2 importing distributor, excluding airplane licensees exercising
3 powers provided in paragraph (i) of Section 5-1 of this Act, or
4 any subsidiary or affiliate thereof, or any officer, associate,
5 member, partner, representative, employee or agent, or
6 shareholder shall be issued a retailer's license, nor shall any
7 person having a retailer's license, excluding airplane
8 licensees exercising powers provided in paragraph (i) of
9 Section 5-1 of this Act, or any subsidiary or affiliate
10 thereof, or any officer, associate, member, partner,
11 representative or agent, or shareholder be issued a
12 manufacturer's license or importing distributor's license.

13 A person who holds a class 1 or class 2 brewer license and
14 is authorized by this Section to sell beer to non-licensees
15 shall not sell beer to non-licensees from more than 3 total
16 brewer or commonly owned brew pub licensed locations in this
17 State. The class 1 or class 2 brewer shall designate to the
18 State Commission the brewer or brew pub locations from which it
19 will sell beer to non-licensees.

20 A person licensed as a craft distiller, including a person
21 who holds more than one craft distiller license, not affiliated
22 with any other person manufacturing spirits may be authorized
23 by the Commission to sell up to 2,500 gallons of spirits
24 produced by the person to non-licensees for on or off-premises
25 consumption for the premises in which he or she actually
26 conducts business permitting only the retail sale of spirits

1 manufactured at such premises. Such sales shall be limited to
2 on-premises, in-person sales only, for lawful consumption on or
3 off premises, and such authorization shall be considered a
4 privilege granted by the craft distiller license. A craft
5 distiller licensed for retail sale shall secure liquor
6 liability insurance coverage in an amount at least equal to the
7 maximum liability amounts set forth in subsection (a) of
8 Section 6-21 of this Act.

9 A craft distiller license holder shall not deliver any
10 alcoholic liquor to any non-licensee off the licensed premises.
11 A craft distiller shall affirm in its annual craft distiller's
12 license application that it does not produce more than 100,000
13 gallons of distilled spirits annually and that the craft
14 distiller does not sell more than 2,500 gallons of spirits to
15 non-licensees for on or off-premises consumption. In the
16 application, which shall be sworn under penalty of perjury, the
17 craft distiller shall state the volume of production and sales
18 for each year since the craft distiller's establishment.

19 (f) (Blank).

20 (g) Notwithstanding any of the foregoing prohibitions, a
21 limited wine manufacturer may sell at retail at its
22 manufacturing site for on or off premises consumption and may
23 sell to distributors. A limited wine manufacturer licensee
24 shall secure liquor liability insurance coverage in an amount
25 at least equal to the maximum liability amounts set forth in
26 subsection (a) of Section 6-21 of this Act.

1 (h) The changes made to this Section by Public Act 99-47
2 shall not diminish or impair the rights of any person, whether
3 a distiller, wine manufacturer, agent, or affiliate thereof,
4 who requested in writing and submitted documentation to the
5 State Commission on or before February 18, 2015 to be approved
6 for a retail license pursuant to what has heretofore been
7 subsection (f); provided that, on or before that date, the
8 State Commission considered the intent of that person to apply
9 for the retail license under that subsection and, by recorded
10 vote, the State Commission approved a resolution indicating
11 that such a license application could be lawfully approved upon
12 that person duly filing a formal application for a retail
13 license and if that person, within 90 days of the State
14 Commission appearance and recorded vote, first filed an
15 application with the appropriate local commission, which
16 application was subsequently approved by the appropriate local
17 commission prior to consideration by the State Commission of
18 that person's application for a retail license. It is further
19 provided that the State Commission may approve the person's
20 application for a retail license or renewals of such license if
21 such person continues to diligently adhere to all
22 representations made in writing to the State Commission on or
23 before February 18, 2015, or thereafter, or in the affidavit
24 filed by that person with the State Commission to support the
25 issuance of a retail license and to abide by all applicable
26 laws and duly adopted rules.

1 (Source: P.A. 99-47, eff. 7-15-15; 99-448, eff. 8-24-15;
2 99-642, eff. 7-28-16; 99-902, eff. 8-26-16; revised 10-25-16.)

3 (235 ILCS 5/6-11)

4 Sec. 6-11. Sale near churches, schools, and hospitals.

5 (a) No license shall be issued for the sale at retail of
6 any alcoholic liquor within 100 feet of any church, school
7 other than an institution of higher learning, hospital, home
8 for aged or indigent persons or for veterans, their spouses or
9 children or any military or naval station, provided, that this
10 prohibition shall not apply to hotels offering restaurant
11 service, regularly organized clubs, or to restaurants, food
12 shops or other places where sale of alcoholic liquors is not
13 the principal business carried on if the place of business so
14 exempted is not located in a municipality of more than 500,000
15 persons, unless required by local ordinance; nor to the renewal
16 of a license for the sale at retail of alcoholic liquor on
17 premises within 100 feet of any church or school where the
18 church or school has been established within such 100 feet
19 since the issuance of the original license. In the case of a
20 church, the distance of 100 feet shall be measured to the
21 nearest part of any building used for worship services or
22 educational programs and not to property boundaries.

23 (b) Nothing in this Section shall prohibit the issuance of
24 a retail license authorizing the sale of alcoholic liquor to a
25 restaurant, the primary business of which is the sale of goods

1 baked on the premises if (i) the restaurant is newly
2 constructed and located on a lot of not less than 10,000 square
3 feet, (ii) the restaurant costs at least \$1,000,000 to
4 construct, (iii) the licensee is the titleholder to the
5 premises and resides on the premises, and (iv) the construction
6 of the restaurant is completed within 18 months of July 10,
7 1998 (the effective date of Public Act 90-617).

8 (c) Nothing in this Section shall prohibit the issuance of
9 a retail license authorizing the sale of alcoholic liquor
10 incidental to a restaurant if (1) the primary business of the
11 restaurant consists of the sale of food where the sale of
12 liquor is incidental to the sale of food and the applicant is a
13 completely new owner of the restaurant, (2) the immediately
14 prior owner or operator of the premises where the restaurant is
15 located operated the premises as a restaurant and held a valid
16 retail license authorizing the sale of alcoholic liquor at the
17 restaurant for at least part of the 24 months before the change
18 of ownership, and (3) the restaurant is located 75 or more feet
19 from a school.

20 (d) In the interest of further developing Illinois' economy
21 in the area of commerce, tourism, convention, and banquet
22 business, nothing in this Section shall prohibit issuance of a
23 retail license authorizing the sale of alcoholic beverages to a
24 restaurant, banquet facility, grocery store, or hotel having
25 not fewer than 150 guest room accommodations located in a
26 municipality of more than 500,000 persons, notwithstanding the

1 proximity of such hotel, restaurant, banquet facility, or
2 grocery store to any church or school, if the licensed premises
3 described on the license are located within an enclosed mall or
4 building of a height of at least 6 stories, or 60 feet in the
5 case of a building that has been registered as a national
6 landmark, or in a grocery store having a minimum of 56,010
7 square feet of floor space in a single story building in an
8 open mall of at least 3.96 acres that is adjacent to a public
9 school that opened as a boys technical high school in 1934, or
10 in a grocery store having a minimum of 31,000 square feet of
11 floor space in a single story building located a distance of
12 more than 90 feet but less than 100 feet from a high school
13 that opened in 1928 as a junior high school and became a senior
14 high school in 1933, and in each of these cases if the sale of
15 alcoholic liquors is not the principal business carried on by
16 the licensee.

17 For purposes of this Section, a "banquet facility" is any
18 part of a building that caters to private parties and where the
19 sale of alcoholic liquors is not the principal business.

20 (e) Nothing in this Section shall prohibit the issuance of
21 a license to a church or private school to sell at retail
22 alcoholic liquor if any such sales are limited to periods when
23 groups are assembled on the premises solely for the promotion
24 of some common object other than the sale or consumption of
25 alcoholic liquors.

26 (f) Nothing in this Section shall prohibit a church or

1 church affiliated school located in a home rule municipality or
2 in a municipality with 75,000 or more inhabitants from locating
3 within 100 feet of a property for which there is a preexisting
4 license to sell alcoholic liquor at retail. In these instances,
5 the local zoning authority may, by ordinance adopted
6 simultaneously with the granting of an initial special use
7 zoning permit for the church or church affiliated school,
8 provide that the 100-foot restriction in this Section shall not
9 apply to that church or church affiliated school and future
10 retail liquor licenses.

11 (g) Nothing in this Section shall prohibit the issuance of
12 a retail license authorizing the sale of alcoholic liquor at
13 premises within 100 feet, but not less than 90 feet, of a
14 public school if (1) the premises have been continuously
15 licensed to sell alcoholic liquor for a period of at least 50
16 years, (2) the premises are located in a municipality having a
17 population of over 500,000 inhabitants, (3) the licensee is an
18 individual who is a member of a family that has held the
19 previous 3 licenses for that location for more than 25 years,
20 (4) the principal of the school and the alderman of the ward in
21 which the school is located have delivered a written statement
22 to the local liquor control commissioner stating that they do
23 not object to the issuance of a license under this subsection
24 (g), and (5) the local liquor control commissioner has received
25 the written consent of a majority of the registered voters who
26 live within 200 feet of the premises.

1 (h) Notwithstanding any provision of this Section to the
2 contrary, nothing in this Section shall prohibit the issuance
3 or renewal of a license authorizing the sale of alcoholic
4 liquor within premises and at an outdoor patio area attached to
5 premises that are located in a municipality with a population
6 in excess of 300,000 inhabitants and that are within 100 feet
7 of a church if:

8 (1) the sale of alcoholic liquor at the premises is
9 incidental to the sale of food,

10 (2) the sale of liquor is not the principal business
11 carried on by the licensee at the premises,

12 (3) the premises are less than 1,000 square feet,

13 (4) the premises are owned by the University of
14 Illinois,

15 (5) the premises are immediately adjacent to property
16 owned by a church and are not less than 20 nor more than 40
17 feet from the church space used for worship services, and

18 (6) the principal religious leader at the place of
19 worship has indicated his or her support for the issuance
20 of the license in writing.

21 (i) Notwithstanding any provision in this Section to the
22 contrary, nothing in this Section shall prohibit the issuance
23 or renewal of a license to sell alcoholic liquor at a premises
24 that is located within a municipality with a population in
25 excess of 300,000 inhabitants and is within 100 feet of a
26 church, synagogue, or other place of worship if:

1 (1) the primary entrance of the premises and the
2 primary entrance of the church, synagogue, or other place
3 of worship are at least 100 feet apart, on parallel
4 streets, and separated by an alley; and

5 (2) the principal religious leader at the place of
6 worship has not indicated his or her opposition to the
7 issuance or renewal of the license in writing.

8 (j) Notwithstanding any provision in this Section to the
9 contrary, nothing in this Section shall prohibit the issuance
10 of a retail license authorizing the sale of alcoholic liquor at
11 a theater that is within 100 feet of a church if (1) the church
12 owns the theater, (2) the church leases the theater to one or
13 more entities, and (3) the theater is used by at least 5
14 different not-for-profit theater groups.

15 (k) Notwithstanding any provision in this Section to the
16 contrary, nothing in this Section shall prohibit the issuance
17 or renewal of a license authorizing the sale of alcoholic
18 liquor at a premises that is located within a municipality with
19 a population in excess of 1,000,000 inhabitants and is within
20 100 feet of a school if:

21 (1) the primary entrance of the premises and the
22 primary entrance of the school are parallel, on different
23 streets, and separated by an alley;

24 (2) the southeast corner of the premises are at least
25 350 feet from the southwest corner of the school;

26 (3) the school was built in 1978;

1 (4) the sale of alcoholic liquor at the premises is
2 incidental to the sale of food;

3 (5) the sale of alcoholic liquor is not the principal
4 business carried on by the licensee at the premises;

5 (6) the applicant is the owner of the restaurant and
6 has held a valid license authorizing the sale of alcoholic
7 liquor for the business to be conducted on the premises at
8 a different location for more than 7 years; and

9 (7) the premises is at least 2,300 square feet and sits
10 on a lot that is between 6,100 and 6,150 square feet.

11 (1) Notwithstanding any provision in this Section to the
12 contrary, nothing in this Section shall prohibit the issuance
13 or renewal of a license authorizing the sale of alcoholic
14 liquor at a premises that is located within a municipality with
15 a population in excess of 1,000,000 inhabitants and is within
16 100 feet of a church or school if:

17 (1) the primary entrance of the premises and the
18 closest entrance of the church or school is at least 90
19 feet apart and no greater than 95 feet apart;

20 (2) the shortest distance between the premises and the
21 church or school is at least 80 feet apart and no greater
22 than 85 feet apart;

23 (3) the applicant is the owner of the restaurant and on
24 November 15, 2006 held a valid license authorizing the sale
25 of alcoholic liquor for the business to be conducted on the
26 premises for at least 14 different locations;

1 (4) the sale of alcoholic liquor at the premises is
2 incidental to the sale of food;

3 (5) the sale of alcoholic liquor is not the principal
4 business carried on by the licensee at the premises;

5 (6) the premises is at least 3,200 square feet and sits
6 on a lot that is between 7,150 and 7,200 square feet; and

7 (7) the principal religious leader at the place of
8 worship has not indicated his or her opposition to the
9 issuance or renewal of the license in writing.

10 (m) Notwithstanding any provision in this Section to the
11 contrary, nothing in this Section shall prohibit the issuance
12 or renewal of a license authorizing the sale of alcoholic
13 liquor at a premises that is located within a municipality with
14 a population in excess of 1,000,000 inhabitants and is within
15 100 feet of a church if:

16 (1) the premises and the church are perpendicular, and
17 the primary entrance of the premises faces South while the
18 primary entrance of the church faces West and the distance
19 between the two entrances is more than 100 feet;

20 (2) the shortest distance between the premises lot line
21 and the exterior wall of the church is at least 80 feet;

22 (3) the church was established at the current location
23 in 1916 and the present structure was erected in 1925;

24 (4) the premises is a single story, single use building
25 with at least 1,750 square feet and no more than 2,000
26 square feet;

1 (5) the sale of alcoholic liquor at the premises is
2 incidental to the sale of food;

3 (6) the sale of alcoholic liquor is not the principal
4 business carried on by the licensee at the premises; and

5 (7) the principal religious leader at the place of
6 worship has not indicated his or her opposition to the
7 issuance or renewal of the license in writing.

8 (n) Notwithstanding any provision in this Section to the
9 contrary, nothing in this Section shall prohibit the issuance
10 or renewal of a license authorizing the sale of alcoholic
11 liquor at a premises that is located within a municipality with
12 a population in excess of 1,000,000 inhabitants and is within
13 100 feet of a school if:

14 (1) the school is a City of Chicago School District 299
15 school;

16 (2) the school is located within subarea E of City of
17 Chicago Residential Business Planned Development Number
18 70;

19 (3) the sale of alcoholic liquor is not the principal
20 business carried on by the licensee on the premises;

21 (4) the sale of alcoholic liquor at the premises is
22 incidental to the sale of food; and

23 (5) the administration of City of Chicago School
24 District 299 has expressed, in writing, its support for the
25 issuance of the license.

26 (o) Notwithstanding any provision of this Section to the

1 contrary, nothing in this Section shall prohibit the issuance
2 or renewal of a retail license authorizing the sale of
3 alcoholic liquor at a premises that is located within a
4 municipality in excess of 1,000,000 inhabitants and within 100
5 feet of a church if:

6 (1) the sale of alcoholic liquor at the premises is
7 incidental to the sale of food;

8 (2) the sale of alcoholic liquor is not the principal
9 business carried on by the licensee at the premises;

10 (3) the premises is located on a street that runs
11 perpendicular to the street on which the church is located;

12 (4) the primary entrance of the premises is at least
13 100 feet from the primary entrance of the church;

14 (5) the shortest distance between any part of the
15 premises and any part of the church is at least 60 feet;

16 (6) the premises is between 3,600 and 4,000 square feet
17 and sits on a lot that is between 3,600 and 4,000 square
18 feet; and

19 (7) the premises was built in the year 1909.

20 For purposes of this subsection (o), "premises" means a
21 place of business together with a privately owned outdoor
22 location that is adjacent to the place of business.

23 (p) Notwithstanding any provision in this Section to the
24 contrary, nothing in this Section shall prohibit the issuance
25 or renewal of a license authorizing the sale of alcoholic
26 liquor at a premises that is located within a municipality with

1 a population in excess of 1,000,000 inhabitants and within 100
2 feet of a church if:

3 (1) the shortest distance between the backdoor of the
4 premises, which is used as an emergency exit, and the
5 church is at least 80 feet;

6 (2) the church was established at the current location
7 in 1889; and

8 (3) liquor has been sold on the premises since at least
9 1985.

10 (q) Notwithstanding any provision of this Section to the
11 contrary, nothing in this Section shall prohibit the issuance
12 or renewal of a license authorizing the sale of alcoholic
13 liquor within a premises that is located in a municipality with
14 a population in excess of 1,000,000 inhabitants and within 100
15 feet of a church-owned property if:

16 (1) the premises is located within a larger building
17 operated as a grocery store;

18 (2) the area of the premises does not exceed 720 square
19 feet and the area of the larger building exceeds 18,000
20 square feet;

21 (3) the larger building containing the premises is
22 within 100 feet of the nearest property line of a
23 church-owned property on which a church-affiliated school
24 is located;

25 (4) the sale of liquor is not the principal business
26 carried on within the larger building;

1 (5) the primary entrance of the larger building and the
2 premises and the primary entrance of the church-affiliated
3 school are on different, parallel streets, and the distance
4 between the 2 primary entrances is more than 100 feet;

5 (6) the larger building is separated from the
6 church-owned property and church-affiliated school by an
7 alley;

8 (7) the larger building containing the premises and the
9 church building front are on perpendicular streets and are
10 separated by a street; and

11 (8) (Blank).

12 (r) Notwithstanding any provision of this Section to the
13 contrary, nothing in this Section shall prohibit the issuance,
14 renewal, or maintenance of a license authorizing the sale of
15 alcoholic liquor incidental to the sale of food within a
16 restaurant established in a premises that is located in a
17 municipality with a population in excess of 1,000,000
18 inhabitants and within 100 feet of a church if:

19 (1) the primary entrance of the church and the primary
20 entrance of the restaurant are at least 100 feet apart;

21 (2) the restaurant has operated on the ground floor and
22 lower level of a multi-story, multi-use building for more
23 than 40 years;

24 (3) the primary business of the restaurant consists of
25 the sale of food where the sale of liquor is incidental to
26 the sale of food;

1 (4) the sale of alcoholic liquor is conducted primarily
2 in the below-grade level of the restaurant to which the
3 only public access is by a staircase located inside the
4 restaurant; and

5 (5) the restaurant has held a license authorizing the
6 sale of alcoholic liquor on the premises for more than 40
7 years.

8 (s) Notwithstanding any provision of this Section to the
9 contrary, nothing in this Section shall prohibit renewal of a
10 license authorizing the sale of alcoholic liquor at a premises
11 that is located within a municipality with a population more
12 than 5,000 and less than 10,000 and is within 100 feet of a
13 church if:

14 (1) the church was established at the location within
15 100 feet of the premises after a license for the sale of
16 alcoholic liquor at the premises was first issued;

17 (2) a license for sale of alcoholic liquor at the
18 premises was first issued before January 1, 2007; and

19 (3) a license for the sale of alcoholic liquor on the
20 premises has been continuously in effect since January 1,
21 2007, except for interruptions between licenses of no more
22 than 90 days.

23 (t) Notwithstanding any provision of this Section to the
24 contrary, nothing in this Section shall prohibit the issuance
25 or renewal of a license authorizing the sale of alcoholic
26 liquor incidental to the sale of food within a restaurant that

1 is established in a premises that is located in a municipality
2 with a population in excess of 1,000,000 inhabitants and within
3 100 feet of a school and a church if:

4 (1) the restaurant is located inside a five-story
5 building with over 16,800 square feet of commercial space;

6 (2) the area of the premises does not exceed 31,050
7 square feet;

8 (3) the area of the restaurant does not exceed 5,800
9 square feet;

10 (4) the building has no less than 78 condominium units;

11 (5) the construction of the building in which the
12 restaurant is located was completed in 2006;

13 (6) the building has 10 storefront properties, 3 of
14 which are used for the restaurant;

15 (7) the restaurant will open for business in 2010;

16 (8) the building is north of the school and separated
17 by an alley; and

18 (9) the principal religious leader of the church and
19 either the alderman of the ward in which the school is
20 located or the principal of the school have delivered a
21 written statement to the local liquor control commissioner
22 stating that he or she does not object to the issuance of a
23 license under this subsection (t).

24 (u) Notwithstanding any provision in this Section to the
25 contrary, nothing in this Section shall prohibit the issuance
26 or renewal of a license to sell alcoholic liquor at a premises

1 that is located within a municipality with a population in
2 excess of 1,000,000 inhabitants and within 100 feet of a school
3 if:

4 (1) the premises operates as a restaurant and has been
5 in operation since February 2008;

6 (2) the applicant is the owner of the premises;

7 (3) the sale of alcoholic liquor is incidental to the
8 sale of food;

9 (4) the sale of alcoholic liquor is not the principal
10 business carried on by the licensee on the premises;

11 (5) the premises occupy the first floor of a 3-story
12 building that is at least 90 years old;

13 (6) the rear lot of the school and the rear corner of
14 the building that the premises occupy are separated by an
15 alley;

16 (7) the distance from the southwest corner of the
17 property line of the school and the northeast corner of the
18 building that the premises occupy is at least 16 feet, 5
19 inches;

20 (8) the distance from the rear door of the premises to
21 the southwest corner of the property line of the school is
22 at least 93 feet;

23 (9) the school is a City of Chicago School District 299
24 school;

25 (10) the school's main structure was erected in 1902
26 and an addition was built to the main structure in 1959;

1 and

2 (11) the principal of the school and the alderman in
3 whose district the premises are located have expressed, in
4 writing, their support for the issuance of the license.

5 (v) Notwithstanding any provision in this Section to the
6 contrary, nothing in this Section shall prohibit the issuance
7 or renewal of a license authorizing the sale of alcoholic
8 liquor at a premises that is located within a municipality with
9 a population in excess of 1,000,000 inhabitants and is within
10 100 feet of a school if:

11 (1) the total land area of the premises for which the
12 license or renewal is sought is more than 600,000 square
13 feet;

14 (2) the premises for which the license or renewal is
15 sought has more than 600 parking stalls;

16 (3) the total area of all buildings on the premises for
17 which the license or renewal is sought exceeds 140,000
18 square feet;

19 (4) the property line of the premises for which the
20 license or renewal is sought is separated from the property
21 line of the school by a street;

22 (5) the distance from the school's property line to the
23 property line of the premises for which the license or
24 renewal is sought is at least 60 feet;

25 (6) as of June 14, 2011 (the effective date of Public
26 Act 97-9), the premises for which the license or renewal is

1 sought is located in the Illinois Medical District.

2 (w) Notwithstanding any provision in this Section to the
3 contrary, nothing in this Section shall prohibit the issuance
4 or renewal of a license to sell alcoholic liquor at a premises
5 that is located within a municipality with a population in
6 excess of 1,000,000 inhabitants and within 100 feet of a church
7 if:

8 (1) the sale of alcoholic liquor at the premises is
9 incidental to the sale of food;

10 (2) the sale of alcoholic liquor is not the principal
11 business carried on by the licensee at the premises;

12 (3) the premises occupy the first floor and basement of
13 a 2-story building that is 106 years old;

14 (4) the premises is at least 7,000 square feet and
15 located on a lot that is at least 11,000 square feet;

16 (5) the premises is located directly west of the
17 church, on perpendicular streets, and separated by an
18 alley;

19 (6) the distance between the property line of the
20 premises and the property line of the church is at least 20
21 feet;

22 (7) the distance between the primary entrance of the
23 premises and the primary entrance of the church is at least
24 130 feet; and

25 (8) the church has been at its location for at least 40
26 years.

1 (x) Notwithstanding any provision of this Section to the
2 contrary, nothing in this Section shall prohibit the issuance
3 or renewal of a license authorizing the sale of alcoholic
4 liquor at a premises that is located within a municipality with
5 a population in excess of 1,000,000 inhabitants and within 100
6 feet of a church if:

7 (1) the sale of alcoholic liquor is not the principal
8 business carried on by the licensee at the premises;

9 (2) the church has been operating in its current
10 location since 1973;

11 (3) the premises has been operating in its current
12 location since 1988;

13 (4) the church and the premises are owned by the same
14 parish;

15 (5) the premises is used for cultural and educational
16 purposes;

17 (6) the primary entrance to the premises and the
18 primary entrance to the church are located on the same
19 street;

20 (7) the principal religious leader of the church has
21 indicated his support of the issuance of the license;

22 (8) the premises is a 2-story building of approximately
23 23,000 square feet; and

24 (9) the premises houses a ballroom on its ground floor
25 of approximately 5,000 square feet.

26 (y) Notwithstanding any provision of this Section to the

1 contrary, nothing in this Section shall prohibit the issuance
2 or renewal of a license authorizing the sale of alcoholic
3 liquor at a premises that is located within a municipality with
4 a population in excess of 1,000,000 inhabitants and within 100
5 feet of a school if:

6 (1) the sale of alcoholic liquor is not the principal
7 business carried on by the licensee at the premises;

8 (2) the sale of alcoholic liquor at the premises is
9 incidental to the sale of food;

10 (3) according to the municipality, the distance
11 between the east property line of the premises and the west
12 property line of the school is 97.8 feet;

13 (4) the school is a City of Chicago School District 299
14 school;

15 (5) the school has been operating since 1959;

16 (6) the primary entrance to the premises and the
17 primary entrance to the school are located on the same
18 street;

19 (7) the street on which the entrances of the premises
20 and the school are located is a major diagonal
21 thoroughfare;

22 (8) the premises is a single-story building of
23 approximately 2,900 square feet; and

24 (9) the premises is used for commercial purposes only.

25 (z) Notwithstanding any provision of this Section to the
26 contrary, nothing in this Section shall prohibit the issuance

1 or renewal of a license authorizing the sale of alcoholic
2 liquor at a premises that is located within a municipality with
3 a population in excess of 1,000,000 inhabitants and within 100
4 feet of a mosque if:

5 (1) the sale of alcoholic liquor is not the principal
6 business carried on by the licensee at the premises;

7 (2) the licensee shall only sell packaged liquors at
8 the premises;

9 (3) the licensee is a national retail chain having over
10 100 locations within the municipality;

11 (4) the licensee has over 8,000 locations nationwide;

12 (5) the licensee has locations in all 50 states;

13 (6) the premises is located in the North-East quadrant
14 of the municipality;

15 (7) the premises is a free-standing building that has
16 "drive-through" pharmacy service;

17 (8) the premises has approximately 14,490 square feet
18 of retail space;

19 (9) the premises has approximately 799 square feet of
20 pharmacy space;

21 (10) the premises is located on a major arterial street
22 that runs east-west and accepts truck traffic; and

23 (11) the alderman of the ward in which the premises is
24 located has expressed, in writing, his or her support for
25 the issuance of the license.

26 (aa) Notwithstanding any provision of this Section to the

1 contrary, nothing in this Section shall prohibit the issuance
2 or renewal of a license authorizing the sale of alcoholic
3 liquor at a premises that is located within a municipality with
4 a population in excess of 1,000,000 inhabitants and within 100
5 feet of a church if:

6 (1) the sale of alcoholic liquor is not the principal
7 business carried on by the licensee at the premises;

8 (2) the licensee shall only sell packaged liquors at
9 the premises;

10 (3) the licensee is a national retail chain having over
11 100 locations within the municipality;

12 (4) the licensee has over 8,000 locations nationwide;

13 (5) the licensee has locations in all 50 states;

14 (6) the premises is located in the North-East quadrant
15 of the municipality;

16 (7) the premises is located across the street from a
17 national grocery chain outlet;

18 (8) the premises has approximately 16,148 square feet
19 of retail space;

20 (9) the premises has approximately 992 square feet of
21 pharmacy space;

22 (10) the premises is located on a major arterial street
23 that runs north-south and accepts truck traffic; and

24 (11) the alderman of the ward in which the premises is
25 located has expressed, in writing, his or her support for
26 the issuance of the license.

1 (bb) Notwithstanding any provision of this Section to the
2 contrary, nothing in this Section shall prohibit the issuance
3 or renewal of a license authorizing the sale of alcoholic
4 liquor at a premises that is located within a municipality with
5 a population in excess of 1,000,000 inhabitants and within 100
6 feet of a church if:

7 (1) the sale of alcoholic liquor is not the principal
8 business carried on by the licensee at the premises;

9 (2) the sale of alcoholic liquor at the premises is
10 incidental to the sale of food;

11 (3) the primary entrance to the premises and the
12 primary entrance to the church are located on the same
13 street;

14 (4) the premises is across the street from the church;

15 (5) the street on which the premises and the church are
16 located is a major arterial street that runs east-west;

17 (6) the church is an elder-led and Bible-based Assyrian
18 church;

19 (7) the premises and the church are both single-story
20 buildings;

21 (8) the storefront directly west of the church is being
22 used as a restaurant; and

23 (9) the distance between the northern-most property
24 line of the premises and the southern-most property line of
25 the church is 65 feet.

26 (cc) Notwithstanding any provision of this Section to the

1 contrary, nothing in this Section shall prohibit the issuance
2 or renewal of a license authorizing the sale of alcoholic
3 liquor at a premises that is located within a municipality with
4 a population in excess of 1,000,000 inhabitants and within 100
5 feet of a school if:

6 (1) the sale of alcoholic liquor is not the principal
7 business carried on by the licensee at the premises;

8 (2) the licensee shall only sell packaged liquors at
9 the premises;

10 (3) the licensee is a national retail chain;

11 (4) as of October 25, 2011, the licensee has 1,767
12 stores operating nationwide, 87 stores operating in the
13 State, and 10 stores operating within the municipality;

14 (5) the licensee shall occupy approximately 124,000
15 square feet of space in the basement and first and second
16 floors of a building located across the street from a
17 school;

18 (6) the school opened in August of 2009 and occupies
19 approximately 67,000 square feet of space; and

20 (7) the building in which the premises shall be located
21 has been listed on the National Register of Historic Places
22 since April 17, 1970.

23 (dd) Notwithstanding any provision in this Section to the
24 contrary, nothing in this Section shall prohibit the issuance
25 or renewal of a license authorizing the sale of alcoholic
26 liquor within a full-service grocery store at a premises that

1 is located within a municipality with a population in excess of
2 1,000,000 inhabitants and is within 100 feet of a school if:

3 (1) the premises is constructed on land that was
4 purchased from the municipality at a fair market price;

5 (2) the premises is constructed on land that was
6 previously used as a parking facility for public safety
7 employees;

8 (3) the sale of alcoholic liquor is not the principal
9 business carried on by the licensee at the premises;

10 (4) the main entrance to the store is more than 100
11 feet from the main entrance to the school;

12 (5) the premises is to be new construction;

13 (6) the school is a private school;

14 (7) the principal of the school has given written
15 approval for the license;

16 (8) the alderman of the ward where the premises is
17 located has given written approval of the issuance of the
18 license;

19 (9) the grocery store level of the premises is between
20 60,000 and 70,000 square feet; and

21 (10) the owner and operator of the grocery store
22 operates 2 other grocery stores that have alcoholic liquor
23 licenses within the same municipality.

24 (ee) Notwithstanding any provision in this Section to the
25 contrary, nothing in this Section shall prohibit the issuance
26 or renewal of a license authorizing the sale of alcoholic

1 liquor within a full-service grocery store at a premises that
2 is located within a municipality with a population in excess of
3 1,000,000 inhabitants and is within 100 feet of a school if:

4 (1) the premises is constructed on land that once
5 contained an industrial steel facility;

6 (2) the premises is located on land that has undergone
7 environmental remediation;

8 (3) the premises is located within a retail complex
9 containing retail stores where some of the stores sell
10 alcoholic beverages;

11 (4) the principal activity of any restaurant in the
12 retail complex is the sale of food, and the sale of
13 alcoholic liquor is incidental to the sale of food;

14 (5) the sale of alcoholic liquor is not the principal
15 business carried on by the grocery store;

16 (6) the entrance to any business that sells alcoholic
17 liquor is more than 100 feet from the entrance to the
18 school;

19 (7) the alderman of the ward where the premises is
20 located has given written approval of the issuance of the
21 license; and

22 (8) the principal of the school has given written
23 consent to the issuance of the license.

24 (ff) Notwithstanding any provision of this Section to the
25 contrary, nothing in this Section shall prohibit the issuance
26 or renewal of a license authorizing the sale of alcoholic

1 liquor at a premises that is located within a municipality with
2 a population in excess of 1,000,000 inhabitants and within 100
3 feet of a school if:

4 (1) the sale of alcoholic liquor is not the principal
5 business carried on at the premises;

6 (2) the sale of alcoholic liquor at the premises is
7 incidental to the operation of a theater;

8 (3) the premises is a one and one-half-story building
9 of approximately 10,000 square feet;

10 (4) the school is a City of Chicago School District 299
11 school;

12 (5) the primary entrance of the premises and the
13 primary entrance of the school are at least 300 feet apart
14 and no more than 400 feet apart;

15 (6) the alderman of the ward in which the premises is
16 located has expressed, in writing, his support for the
17 issuance of the license; and

18 (7) the principal of the school has expressed, in
19 writing, that there is no objection to the issuance of a
20 license under this subsection (ff).

21 (gg) Notwithstanding any provision of this Section to the
22 contrary, nothing in this Section shall prohibit the issuance
23 or renewal of a license authorizing the sale of alcoholic
24 liquor incidental to the sale of food within a restaurant or
25 banquet facility established in a premises that is located in a
26 municipality with a population in excess of 1,000,000

1 inhabitants and within 100 feet of a church if:

2 (1) the sale of alcoholic liquor is not the principal
3 business carried on by the licensee at the premises;

4 (2) the property on which the church is located and the
5 property on which the premises are located are both within
6 a district originally listed on the National Register of
7 Historic Places on February 14, 1979;

8 (3) the property on which the premises are located
9 contains one or more multi-story buildings that are at
10 least 95 years old and have no more than three stories;

11 (4) the building in which the church is located is at
12 least 120 years old;

13 (5) the property on which the church is located is
14 immediately adjacent to and west of the property on which
15 the premises are located;

16 (6) the western boundary of the property on which the
17 premises are located is no less than 118 feet in length and
18 no more than 122 feet in length;

19 (7) as of December 31, 2012, both the church property
20 and the property on which the premises are located are
21 within 250 feet of City of Chicago Business-Residential
22 Planned Development Number 38;

23 (8) the principal religious leader at the place of
24 worship has indicated his or her support for the issuance
25 of the license in writing; and

26 (9) the alderman in whose district the premises are

1 located has expressed his or her support for the issuance
2 of the license in writing.

3 For the purposes of this subsection, "banquet facility"
4 means the part of the building that is located on the floor
5 above a restaurant and caters to private parties and where the
6 sale of alcoholic liquors is not the principal business.

7 (hh) Notwithstanding any provision of this Section to the
8 contrary, nothing in this Section shall prohibit the issuance
9 or renewal of a license authorizing the sale of alcoholic
10 liquor within a hotel and at an outdoor patio area attached to
11 the hotel that are located in a municipality with a population
12 in excess of 1,000,000 inhabitants and that are within 100 feet
13 of a hospital if:

14 (1) the sale of alcoholic liquor is not the principal
15 business carried on by the licensee at the hotel;

16 (2) the hotel is located within the City of Chicago
17 Business Planned Development Number 468; and

18 (3) the hospital is located within the City of Chicago
19 Institutional Planned Development Number 3.

20 (ii) Notwithstanding any provision of this Section to the
21 contrary, nothing in this Section shall prohibit the issuance
22 or renewal of a license authorizing the sale of alcoholic
23 liquor within a restaurant and at an outdoor patio area
24 attached to the restaurant that are located in a municipality
25 with a population in excess of 1,000,000 inhabitants and that
26 are within 100 feet of a church if:

1 (1) the sale of alcoholic liquor at the premises is not
2 the principal business carried on by the licensee and is
3 incidental to the sale of food;

4 (2) the restaurant has been operated on the street
5 level of a 2-story building located on a corner lot since
6 2008;

7 (3) the restaurant is between 3,700 and 4,000 square
8 feet and sits on a lot that is no more than 6,200 square
9 feet;

10 (4) the primary entrance to the restaurant and the
11 primary entrance to the church are located on the same
12 street;

13 (5) the street on which the restaurant and the church
14 are located is a major east-west street;

15 (6) the restaurant and the church are separated by a
16 one-way northbound street;

17 (7) the church is located to the west of and no more
18 than 65 feet from the restaurant; and

19 (8) the principal religious leader at the place of
20 worship has indicated his or her consent to the issuance of
21 the license in writing.

22 (jj) Notwithstanding any provision of this Section to the
23 contrary, nothing in this Section shall prohibit the issuance
24 or renewal of a license authorizing the sale of alcoholic
25 liquor at premises located within a municipality with a
26 population in excess of 1,000,000 inhabitants and within 100

1 feet of a church if:

2 (1) the sale of alcoholic liquor is not the principal
3 business carried on by the licensee at the premises;

4 (2) the sale of alcoholic liquor is incidental to the
5 sale of food;

6 (3) the premises are located east of the church, on
7 perpendicular streets, and separated by an alley;

8 (4) the distance between the primary entrance of the
9 premises and the primary entrance of the church is at least
10 175 feet;

11 (5) the distance between the property line of the
12 premises and the property line of the church is at least 40
13 feet;

14 (6) the licensee has been operating at the premises
15 since 2012;

16 (7) the church was constructed in 1904;

17 (8) the alderman of the ward in which the premises is
18 located has expressed, in writing, his or her support for
19 the issuance of the license; and

20 (9) the principal religious leader of the church has
21 delivered a written statement that he or she does not
22 object to the issuance of a license under this subsection
23 (jj).

24 (kk) Notwithstanding any provision of this Section to the
25 contrary, nothing in this Section shall prohibit the issuance
26 or renewal of a license authorizing the sale of alcoholic

1 liquor at a premises that is located within a municipality with
2 a population in excess of 1,000,000 inhabitants and within 100
3 feet of a school if:

4 (1) the sale of alcoholic liquor is not the principal
5 business carried on by the licensee at the premises;

6 (2) the licensee shall only sell packaged liquors on
7 the premises;

8 (3) the licensee is a national retail chain;

9 (4) as of February 27, 2013, the licensee had 1,778
10 stores operating nationwide, 89 operating in this State,
11 and 11 stores operating within the municipality;

12 (5) the licensee shall occupy approximately 169,048
13 square feet of space within a building that is located
14 across the street from a tuition-based preschool; and

15 (6) the alderman of the ward in which the premises is
16 located has expressed, in writing, his or her support for
17 the issuance of the license.

18 (11) Notwithstanding any provision of this Section to the
19 contrary, nothing in this Section shall prohibit the issuance
20 or renewal of a license authorizing the sale of alcoholic
21 liquor at a premises that is located within a municipality with
22 a population in excess of 1,000,000 inhabitants and within 100
23 feet of a school if:

24 (1) the sale of alcoholic liquor is not the principal
25 business carried on by the licensee at the premises;

26 (2) the licensee shall only sell packaged liquors on

1 the premises;

2 (3) the licensee is a national retail chain;

3 (4) as of February 27, 2013, the licensee had 1,778
4 stores operating nationwide, 89 operating in this State,
5 and 11 stores operating within the municipality;

6 (5) the licensee shall occupy approximately 191,535
7 square feet of space within a building that is located
8 across the street from an elementary school; and

9 (6) the alderman of the ward in which the premises is
10 located has expressed, in writing, his or her support for
11 the issuance of the license.

12 (mm) Notwithstanding any provision of this Section to the
13 contrary, nothing in this Section shall prohibit the issuance
14 or renewal of a license authorizing the sale of alcoholic
15 liquor within premises and at an outdoor patio or sidewalk
16 cafe, or both, attached to premises that are located in a
17 municipality with a population in excess of 1,000,000
18 inhabitants and that are within 100 feet of a hospital if:

19 (1) the primary business of the restaurant consists of
20 the sale of food where the sale of liquor is incidental to
21 the sale of food;

22 (2) as a restaurant, the premises may or may not offer
23 catering as an incidental part of food service;

24 (3) the primary business of the restaurant is conducted
25 in space owned by a hospital or an entity owned or
26 controlled by, under common control with, or that controls

1 a hospital, and the chief hospital administrator has
2 expressed his or her support for the issuance of the
3 license in writing; and

4 (4) the hospital is an adult acute care facility
5 primarily located within the City of Chicago Institutional
6 Planned Development Number 3.

7 (nn) Notwithstanding any provision of this Section to the
8 contrary, nothing in this Section shall prohibit the issuance
9 or renewal of a license authorizing the sale of alcoholic
10 liquor at a premises that is located within a municipality with
11 a population in excess of 1,000,000 inhabitants and within 100
12 feet of a church if:

13 (1) the sale of alcoholic liquor is not the principal
14 business carried out on the premises;

15 (2) the sale of alcoholic liquor at the premises is
16 incidental to the operation of a theater;

17 (3) the premises are a building that was constructed in
18 1913 and opened on May 24, 1915 as a vaudeville theater,
19 and the premises were converted to a motion picture theater
20 in 1935;

21 (4) the church was constructed in 1889 with a stone
22 exterior;

23 (5) the primary entrance of the premises and the
24 primary entrance of the church are at least 100 feet apart;
25 ~~and~~

26 (6) the principal religious leader at the place of

1 worship has indicated his or her consent to the issuance of
2 the license in writing; and

3 (7) the alderman in whose ward the premises are located
4 has expressed his or her support for the issuance of the
5 license in writing.

6 (oo) Notwithstanding any provision of this Section to the
7 contrary, nothing in this Section shall prohibit the issuance
8 or renewal of a license authorizing the sale of alcoholic
9 liquor at a premises that is located within a municipality with
10 a population in excess of 1,000,000 inhabitants and within 100
11 feet of a mosque, church, or other place of worship if:

12 (1) the primary entrance of the premises and the
13 primary entrance of the mosque, church, or other place of
14 worship are perpendicular and are on different streets;

15 (2) the primary entrance to the premises faces West and
16 the primary entrance to the mosque, church, or other place
17 of worship faces South;

18 (3) the distance between the 2 primary entrances is at
19 least 100 feet;

20 (4) the mosque, church, or other place of worship was
21 established in a location within 100 feet of the premises
22 after a license for the sale of alcohol at the premises was
23 first issued;

24 (5) the mosque, church, or other place of worship was
25 established on or around January 1, 2011;

26 (6) a license for the sale of alcohol at the premises

1 was first issued on or before January 1, 1985;

2 (7) a license for the sale of alcohol at the premises
3 has been continuously in effect since January 1, 1985,
4 except for interruptions between licenses of no more than
5 90 days; and

6 (8) the premises are a single-story, single-use
7 building of at least 3,000 square feet and no more than
8 3,380 square feet.

9 (pp) Notwithstanding any provision of this Section to the
10 contrary, nothing in this Section shall prohibit the issuance
11 or renewal of a license authorizing the sale of alcoholic
12 liquor incidental to the sale of food within a restaurant or
13 banquet facility established on premises that are located in a
14 municipality with a population in excess of 1,000,000
15 inhabitants and within 100 feet of at least one church if:

16 (1) the sale of liquor shall not be the principal
17 business carried on by the licensee at the premises;

18 (2) the premises are at least 2,000 square feet and no
19 more than 10,000 square feet and is located in a
20 single-story building;

21 (3) the property on which the premises are located is
22 within an area that, as of 2009, was designated as a
23 Renewal Community by the United States Department of
24 Housing and Urban Development;

25 (4) the property on which the premises are located and
26 the properties on which the churches are located are on the

1 same street;

2 (5) the property on which the premises are located is
3 immediately adjacent to and east of the property on which
4 at least one of the churches is located;

5 (6) the property on which the premises are located is
6 across the street and southwest of the property on which
7 another church is located;

8 (7) the principal religious leaders of the churches
9 have indicated their support for the issuance of the
10 license in writing; and

11 (8) the alderman in whose ward the premises are located
12 has expressed his or her support for the issuance of the
13 license in writing.

14 For purposes of this subsection (pp), "banquet facility"
15 means the part of the building that caters to private parties
16 and where the sale of alcoholic liquors is not the principal
17 business.

18 (qq) Notwithstanding any provision of this Section to the
19 contrary, nothing in this Section shall prohibit the issuance
20 or renewal of a license authorizing the sale of alcoholic
21 liquor on premises that are located within a municipality with
22 a population in excess of 1,000,000 inhabitants and within 100
23 feet of a church or school if:

24 (1) the primary entrance of the premises and the
25 closest entrance of the church or school are at least 200
26 feet apart and no greater than 300 feet apart;

1 (2) the shortest distance between the premises and the
2 church or school is at least 66 feet apart and no greater
3 than 81 feet apart;

4 (3) the premises are a single-story, steel-framed
5 commercial building with at least 18,042 square feet, and
6 was constructed in 1925 and 1997;

7 (4) the owner of the business operated within the
8 premises has been the general manager of a similar
9 supermarket within one mile from the premises, which has
10 had a valid license authorizing the sale of alcoholic
11 liquor since 2002, and is in good standing with the City of
12 Chicago;

13 (5) the principal religious leader at the place of
14 worship has indicated his or her support to the issuance or
15 renewal of the license in writing;

16 (6) the alderman of the ward has indicated his or her
17 support to the issuance or renewal of the license in
18 writing; and

19 (7) the principal of the school has indicated his or
20 her support to the issuance or renewal of the license in
21 writing.

22 (rr) Notwithstanding any provision of this Section to the
23 contrary, nothing in this Section shall prohibit the issuance
24 or renewal of a license authorizing the sale of alcoholic
25 liquor at premises located within a municipality with a
26 population in excess of 1,000,000 inhabitants and within 100

1 feet of a club that leases space to a school if:

2 (1) the sale of alcoholic liquor is not the principal
3 business carried out on the premises;

4 (2) the sale of alcoholic liquor at the premises is
5 incidental to the operation of a grocery store;

6 (3) the premises are a building of approximately 1,750
7 square feet and is rented by the owners of the grocery
8 store from a family member;

9 (4) the property line of the premises is approximately
10 68 feet from the property line of the club;

11 (5) the primary entrance of the premises and the
12 primary entrance of the club where the school leases space
13 are at least 100 feet apart;

14 (6) the director of the club renting space to the
15 school has indicated his or her consent to the issuance of
16 the license in writing; and

17 (7) the alderman in whose district the premises are
18 located has expressed his or her support for the issuance
19 of the license in writing.

20 (ss) Notwithstanding any provision of this Section to the
21 contrary, nothing in this Section shall prohibit the issuance
22 or renewal of a license authorizing the sale of alcoholic
23 liquor at premises located within a municipality with a
24 population in excess of 1,000,000 inhabitants and within 100
25 feet of a church if:

26 (1) the premises are located within a 15 unit building

1 with 13 residential apartments and 2 commercial spaces, and
2 the licensee will occupy both commercial spaces;

3 (2) a restaurant has been operated on the premises
4 since June 2011;

5 (3) the restaurant currently occupies 1,075 square
6 feet, but will be expanding to include 975 additional
7 square feet;

8 (4) the sale of alcoholic liquor is not the principal
9 business carried on by the licensee at the premises;

10 (5) the premises are located south of the church and on
11 the same street and are separated by a one-way westbound
12 street;

13 (6) the primary entrance of the premises is at least 93
14 feet from the primary entrance of the church;

15 (7) the shortest distance between any part of the
16 premises and any part of the church is at least 72 feet;

17 (8) the building in which the restaurant is located was
18 built in 1910;

19 (9) the alderman of the ward in which the premises are
20 located has expressed, in writing, his or her support for
21 the issuance of the license; and

22 (10) the principal religious leader of the church has
23 delivered a written statement that he or she does not
24 object to the issuance of a license under this subsection
25 (ss).

26 (tt) Notwithstanding any provision of this Section to the

1 contrary, nothing in this Section shall prohibit the issuance
2 or renewal of a license authorizing the sale of alcoholic
3 liquor at premises located within a municipality with a
4 population in excess of 1,000,000 inhabitants and within 100
5 feet of a church if:

6 (1) the sale of alcoholic liquor is not the principal
7 business carried on by the licensee at the premises;

8 (2) the sale of alcoholic liquor is incidental to the
9 sale of food;

10 (3) the sale of alcoholic liquor at the premises was
11 previously authorized by a package goods liquor license;

12 (4) the premises are at least 40,000 square feet with
13 25 parking spaces in the contiguous surface lot to the
14 north of the store and 93 parking spaces on the roof;

15 (5) the shortest distance between the lot line of the
16 parking lot of the premises and the exterior wall of the
17 church is at least 80 feet;

18 (6) the distance between the building in which the
19 church is located and the building in which the premises
20 are located is at least 180 feet;

21 (7) the main entrance to the church faces west and is
22 at least 257 feet from the main entrance of the premises;
23 and

24 (8) the applicant is the owner of 10 similar grocery
25 stores within the City of Chicago and the surrounding area
26 and has been in business for more than 30 years.

1 (uu) Notwithstanding any provision of this Section to the
2 contrary, nothing in this Section shall prohibit the issuance
3 or renewal of a license authorizing the sale of alcoholic
4 liquor at premises located within a municipality with a
5 population in excess of 1,000,000 inhabitants and within 100
6 feet of a church if:

7 (1) the sale of alcoholic liquor is not the principal
8 business carried on by the licensee at the premises;

9 (2) the sale of alcoholic liquor is incidental to the
10 operation of a grocery store;

11 (3) the premises are located in a building that is
12 approximately 68,000 square feet with 157 parking spaces on
13 property that was previously vacant land;

14 (4) the main entrance to the church faces west and is
15 at least 500 feet from the entrance of the premises, which
16 faces north;

17 (5) the church and the premises are separated by an
18 alley;

19 (6) the applicant is the owner of 9 similar grocery
20 stores in the City of Chicago and the surrounding area and
21 has been in business for more than 40 years; and

22 (7) the alderman of the ward in which the premises are
23 located has expressed, in writing, his or her support for
24 the issuance of the license.

25 (vv) Notwithstanding any provision of this Section to the
26 contrary, nothing in this Section shall prohibit the issuance

1 or renewal of a license authorizing the sale of alcoholic
2 liquor at premises located within a municipality with a
3 population in excess of 1,000,000 inhabitants and within 100
4 feet of a church if:

5 (1) the sale of alcoholic liquor is the principal
6 business carried on by the licensee at the premises;

7 (2) the sale of alcoholic liquor is primary to the sale
8 of food;

9 (3) the premises are located south of the church and on
10 perpendicular streets and are separated by a driveway;

11 (4) the primary entrance of the premises is at least
12 100 feet from the primary entrance of the church;

13 (5) the shortest distance between any part of the
14 premises and any part of the church is at least 15 feet;

15 (6) the premises are less than 100 feet from the church
16 center, but greater than 100 feet from the area within the
17 building where church services are held;

18 (7) the premises are 25,830 square feet and sit on a
19 lot that is 0.48 acres;

20 (8) the premises were once designated as a Korean
21 American Presbyterian Church and were once used as a
22 Masonic Temple;

23 (9) the premises were built in 1910;

24 (10) the alderman of the ward in which the premises are
25 located has expressed, in writing, his or her support for
26 the issuance of the license; and

1 (11) the principal religious leader of the church has
2 delivered a written statement that he or she does not
3 object to the issuance of a license under this subsection
4 (vv).

5 For the purposes of this subsection (vv), "premises" means
6 a place of business together with a privately owned outdoor
7 location that is adjacent to the place of business.

8 (wv) Notwithstanding any provision of this Section to the
9 contrary, nothing in this Section shall prohibit the issuance
10 or renewal of a license authorizing the sale of alcoholic
11 liquor at premises located within a municipality with a
12 population in excess of 1,000,000 inhabitants and within 100
13 feet of a school if:

14 (1) the school is located within Sub Area III of City
15 of Chicago Residential-Business Planned Development Number
16 523, as amended; and

17 (2) the premises are located within Sub Area I, Sub
18 Area II, or Sub Area IV of City of Chicago
19 Residential-Business Planned Development Number 523, as
20 amended.

21 (wx) Notwithstanding any provision of this Section to the
22 contrary, nothing in this Section shall prohibit the issuance
23 or renewal of a license authorizing the sale of alcoholic
24 liquor at premises located within a municipality with a
25 population in excess of 1,000,000 inhabitants and within 100
26 feet of a church if:

1 (1) the sale of wine or wine-related products is the
2 exclusive business carried on by the licensee at the
3 premises;

4 (2) the primary entrance of the premises and the
5 primary entrance of the church are at least 100 feet apart
6 and are located on different streets;

7 (3) the building in which the premises are located and
8 the building in which the church is located are separated
9 by an alley;

10 (4) the premises consists of less than 2,000 square
11 feet of floor area dedicated to the sale of wine or
12 wine-related products;

13 (5) the premises are located on the first floor of a
14 2-story building that is at least 99 years old and has a
15 residential unit on the second floor; and

16 (6) the principal religious leader at the church has
17 indicated his or her support for the issuance or renewal of
18 the license in writing.

19 (yy) Notwithstanding any provision of this Section to the
20 contrary, nothing in this Section shall prohibit the issuance
21 or renewal of a license authorizing the sale of alcoholic
22 liquor at premises located within a municipality with a
23 population in excess of 1,000,000 inhabitants and within 100
24 feet of a church if:

25 (1) the premises are a 27-story hotel containing 191
26 guest rooms;

1 (2) the sale of alcoholic liquor is not the principal
2 business carried on by the licensee at the premises and is
3 limited to a restaurant located on the first floor of the
4 hotel;

5 (3) the hotel is adjacent to the church;

6 (4) the site is zoned as DX-16;

7 (5) the principal religious leader of the church has
8 delivered a written statement that he or she does not
9 object to the issuance of a license under this subsection
10 (yy); and

11 (6) the alderman of the ward in which the premises are
12 located has expressed, in writing, his or her support for
13 the issuance of the license.

14 (zz) Notwithstanding any provision of this Section to the
15 contrary, nothing in this Section shall prohibit the issuance
16 or renewal of a license authorizing the sale of alcoholic
17 liquor at premises located within a municipality with a
18 population in excess of 1,000,000 inhabitants and within 100
19 feet of a church if:

20 (1) the premises are a 15-story hotel containing 143
21 guest rooms;

22 (2) the premises are approximately 85,691 square feet;

23 (3) a restaurant is operated on the premises;

24 (4) the restaurant is located in the first floor lobby
25 of the hotel;

26 (5) the sale of alcoholic liquor is not the principal

1 business carried on by the licensee at the premises;

2 (6) the hotel is located approximately 50 feet from the
3 church and is separated from the church by a public street
4 on the ground level and by air space on the upper level,
5 which is where the public entrances are located;

6 (7) the site is zoned as DX-16;

7 (8) the principal religious leader of the church has
8 delivered a written statement that he or she does not
9 object to the issuance of a license under this subsection
10 (zz); and

11 (9) the alderman of the ward in which the premises are
12 located has expressed, in writing, his or her support for
13 the issuance of the license.

14 (aaa) Notwithstanding any provision in this Section to the
15 contrary, nothing in this Section shall prohibit the issuance
16 or renewal of a license authorizing the sale of alcoholic
17 liquor within a full-service grocery store at premises located
18 within a municipality with a population in excess of 1,000,000
19 inhabitants and within 100 feet of a school if:

20 (1) the sale of alcoholic liquor is not the primary
21 business activity of the grocery store;

22 (2) the premises are newly constructed on land that was
23 formerly used by the Young Men's Christian Association;

24 (3) the grocery store is located within a planned
25 development that was approved by the municipality in 2007;

26 (4) the premises are located in a multi-building,

1 mixed-use complex;

2 (5) the entrance to the grocery store is located more
3 than 200 feet from the entrance to the school;

4 (6) the entrance to the grocery store is located across
5 the street from the back of the school building, which is
6 not used for student or public access;

7 (7) the grocery store executed a binding lease for the
8 property in 2008;

9 (8) the premises consist of 2 levels and occupy more
10 than 80,000 square feet;

11 (9) the owner and operator of the grocery store
12 operates at least 10 other grocery stores that have
13 alcoholic liquor licenses within the same municipality;
14 and

15 (10) the director of the school has expressed, in
16 writing, his or her support for the issuance of the
17 license.

18 (bbb) Notwithstanding any provision of this Section to the
19 contrary, nothing in this Section shall prohibit the issuance
20 or renewal of a license authorizing the sale of alcoholic
21 liquor at premises located within a municipality with a
22 population in excess of 1,000,000 inhabitants and within 100
23 feet of a church if:

24 (1) the sale of alcoholic liquor at the premises is
25 incidental to the sale of food;

26 (2) the premises are located in a single-story building

1 of primarily brick construction containing at least 6
2 commercial units constructed before 1940;

3 (3) the premises are located in a B3-2 zoning district;

4 (4) the premises are less than 4,000 square feet;

5 (5) the church established its congregation in 1891 and
6 completed construction of the church building in 1990;

7 (6) the premises are located south of the church;

8 (7) the premises and church are located on the same
9 street and are separated by a one-way westbound street; and

10 (8) the principal religious leader of the church has
11 not indicated his or her opposition to the issuance or
12 renewal of the license in writing.

13 (ccc) Notwithstanding any provision of this Section to the
14 contrary, nothing in this Section shall prohibit the issuance
15 or renewal of a license authorizing the sale of alcoholic
16 liquor within a full-service grocery store at premises located
17 within a municipality with a population in excess of 1,000,000
18 inhabitants and within 100 feet of a church and school if:

19 (1) as of March 14, 2007, the premises are located in a
20 City of Chicago Residential-Business Planned Development
21 No. 1052;

22 (2) the sale of alcoholic liquor is not the principal
23 business carried on by the licensee at the premises;

24 (3) the sale of alcoholic liquor is incidental to the
25 operation of a grocery store and comprises no more than 10%
26 of the total in-store sales;

1 (4) the owner and operator of the grocery store
2 operates at least 10 other grocery stores that have
3 alcoholic liquor licenses within the same municipality;

4 (5) the premises are new construction when the license
5 is first issued;

6 (6) the constructed premises are to be no less than
7 50,000 square feet;

8 (7) the school is a private church-affiliated school;

9 (8) the premises and the property containing the church
10 and church-affiliated school are located on perpendicular
11 streets and the school and church are adjacent to one
12 another;

13 (9) the pastor of the church and school has expressed,
14 in writing, support for the issuance of the license; and

15 (10) the alderman of the ward in which the premises are
16 located has expressed, in writing, his or her support for
17 the issuance of the license.

18 (ddd) Notwithstanding any provision of this Section to the
19 contrary, nothing in this Section shall prohibit the issuance
20 or renewal of a license authorizing the sale of alcoholic
21 liquor at premises located within a municipality with a
22 population in excess of 1,000,000 inhabitants and within 100
23 feet of a church or school if:

24 (1) the business has been issued a license from the
25 municipality to allow the business to operate a theater on
26 the premises;

1 (2) the theater has less than 200 seats;

2 (3) the premises are approximately 2,700 to 3,100
3 square feet of space;

4 (4) the premises are located to the north of the
5 church;

6 (5) the primary entrance of the premises and the
7 primary entrance of any church within 100 feet of the
8 premises are located either on a different street or across
9 a right-of-way from the premises;

10 (6) the primary entrance of the premises and the
11 primary entrance of any school within 100 feet of the
12 premises are located either on a different street or across
13 a right-of-way from the premises;

14 (7) the premises are located in a building that is at
15 least 100 years old; and

16 (8) any church or school located within 100 feet of the
17 premises has indicated its support for the issuance or
18 renewal of the license to the premises in writing.

19 (eee) Notwithstanding any provision of this Section to the
20 contrary, nothing in this Section shall prohibit the issuance
21 or renewal of a license authorizing the sale of alcoholic
22 liquor at premises located within a municipality with a
23 population in excess of 1,000,000 inhabitants and within 100
24 feet of a church and school if:

25 (1) the sale of alcoholic liquor is incidental to the
26 sale of food;

1 (2) the sale of alcoholic liquor is not the principal
2 business carried on by the applicant on the premises;

3 (3) a family-owned restaurant has operated on the
4 premises since 1957;

5 (4) the premises occupy the first floor of a 3-story
6 building that is at least 90 years old;

7 (5) the distance between the property line of the
8 premises and the property line of the church is at least 20
9 feet;

10 (6) the church was established at its current location
11 and the present structure was erected before 1900;

12 (7) the primary entrance of the premises is at least 75
13 feet from the primary entrance of the church;

14 (8) the school is affiliated with the church;

15 (9) the principal religious leader at the place of
16 worship has indicated his or her support for the issuance
17 of the license in writing;

18 (10) the principal of the school has indicated in
19 writing that he or she is not opposed to the issuance of
20 the license; and

21 (11) the alderman of the ward in which the premises are
22 located has expressed, in writing, his or her lack of an
23 objection to the issuance of the license.

24 (ff) Notwithstanding any provision of this Section to the
25 contrary, nothing in this Section shall prohibit the issuance
26 or renewal of a license authorizing the sale of alcoholic

1 liquor at premises located within a municipality with a
2 population in excess of 1,000,000 inhabitants and within 100
3 feet of a church if:

4 (1) the sale of alcoholic liquor is not the principal
5 business carried on by the licensee at the premises;

6 (2) the sale of alcoholic liquor at the premises is
7 incidental to the operation of a grocery store;

8 (3) the premises are a one-story building containing
9 approximately 10,000 square feet and are rented by the
10 owners of the grocery store;

11 (4) the sale of alcoholic liquor at the premises occurs
12 in a retail area of the grocery store that is approximately
13 3,500 square feet;

14 (5) the grocery store has operated at the location
15 since 1984;

16 (6) the grocery store is closed on Sundays;

17 (7) the property on which the premises are located is a
18 corner lot that is bound by 3 streets and an alley, where
19 one street is a one-way street that runs north-south, one
20 street runs east-west, and one street runs
21 northwest-southeast;

22 (8) the property line of the premises is approximately
23 16 feet from the property line of the building where the
24 church is located;

25 (9) the premises are separated from the building
26 containing the church by a public alley;

1 (10) the primary entrance of the premises and the
2 primary entrance of the church are at least 100 feet apart;

3 (11) representatives of the church have delivered a
4 written statement that the church does not object to the
5 issuance of a license under this subsection (fff); and

6 (12) the alderman of the ward in which the grocery
7 store is located has expressed, in writing, his or her
8 support for the issuance of the license.

9 (ggg) Notwithstanding any provision of this Section to the
10 contrary, nothing in this Section shall prohibit the issuance
11 or renewal of licenses authorizing the sale of alcoholic liquor
12 within a restaurant or lobby coffee house at premises located
13 within a municipality with a population in excess of 1,000,000
14 inhabitants and within 100 feet of a church and school if:

15 (1) a residential retirement home formerly operated on
16 the premises and the premises are being converted into a
17 new apartment living complex containing studio and
18 one-bedroom apartments with ground floor retail space;

19 (2) the restaurant and lobby coffee house are located
20 within a Community Shopping District within the
21 municipality;

22 (3) the premises are located in a single-building,
23 mixed-use complex that, in addition to the restaurant and
24 lobby coffee house, contains apartment residences, a
25 fitness center for the residents of the apartment building,
26 a lobby designed as a social center for the residents, a

1 rooftop deck, and a patio with a dog run for the exclusive
2 use of the residents;

3 (4) the sale of alcoholic liquor is not the primary
4 business activity of the apartment complex, restaurant, or
5 lobby coffee house;

6 (5) the entrance to the apartment residence is more
7 than 310 feet from the entrance to the school and church;

8 (6) the entrance to the apartment residence is located
9 at the end of the block around the corner from the south
10 side of the school building;

11 (7) the school is affiliated with the church;

12 (8) the pastor of the parish, principal of the school,
13 and the titleholder to the church and school have given
14 written consent to the issuance of the license;

15 (9) the alderman of the ward in which the premises are
16 located has given written consent to the issuance of the
17 license; and

18 (10) the neighborhood block club has given written
19 consent to the issuance of the license.

20 (hhh) Notwithstanding any provision of this Section to the
21 contrary, nothing in this Section shall prohibit the issuance
22 or renewal of a license to sell alcoholic liquor at premises
23 located within a municipality with a population in excess of
24 1,000,000 inhabitants and within 100 feet of a home for
25 indigent persons or a church if:

26 (1) a restaurant operates on the premises and has been

1 in operation since January of 2014;

2 (2) the sale of alcoholic liquor is incidental to the
3 sale of food;

4 (3) the sale of alcoholic liquor is not the principal
5 business carried on by the licensee on the premises;

6 (4) the premises occupy the first floor of a 3-story
7 building that is at least 100 years old;

8 (5) the primary entrance to the premises is more than
9 100 feet from the primary entrance to the home for indigent
10 persons, which opened in 1989 and is operated to address
11 homelessness and provide shelter;

12 (6) the primary entrance to the premises and the
13 primary entrance to the home for indigent persons are
14 located on different streets;

15 (7) the executive director of the home for indigent
16 persons has given written consent to the issuance of the
17 license;

18 (8) the entrance to the premises is located within 100
19 feet of a Buddhist temple;

20 (9) the entrance to the premises is more than 100 feet
21 from where any worship or educational programming is
22 conducted by the Buddhist temple and is located in an area
23 used only for other purposes; and

24 (10) the president and the board of directors of the
25 Buddhist temple have given written consent to the issuance
26 of the license.

1 (iii) Notwithstanding any provision of this Section to the
2 contrary, nothing in this Section shall prohibit the issuance
3 or renewal of a license authorizing the sale of alcoholic
4 liquor at premises located within a municipality in excess of
5 1,000,000 inhabitants and within 100 feet of a home for the
6 aged if:

7 (1) the sale of alcoholic liquor is not the principal
8 business carried on by the licensee on the premises;

9 (2) the sale of alcoholic liquor at the premises is
10 incidental to the operation of a restaurant;

11 (3) the premises are on the ground floor of a
12 multi-floor, university-affiliated housing facility;

13 (4) the premises occupy 1,916 square feet of space,
14 with the total square footage from which liquor will be
15 sold, served, and consumed to be 900 square feet;

16 (5) the premises are separated from the home for the
17 aged by an alley;

18 (6) the primary entrance to the premises and the
19 primary entrance to the home for the aged are at least 500
20 feet apart and located on different streets;

21 (7) representatives of the home for the aged have
22 expressed, in writing, that the home does not object to the
23 issuance of a license under this subsection; and

24 (8) the alderman of the ward in which the restaurant is
25 located has expressed, in writing, his or her support for
26 the issuance of the license.

1 (jjj) Notwithstanding any provision of this Section to the
2 contrary, nothing in this Section shall prohibit the issuance
3 or renewal of a license authorizing the sale of alcoholic
4 liquor at premises located within a municipality with a
5 population in excess of 1,000,000 inhabitants and within 100
6 feet of a school if:

7 (1) as of January 1, 2016, the premises were used for
8 the sale of alcoholic liquor for consumption on the
9 premises and were authorized to do so pursuant to a retail
10 tavern license held by an individual as the sole proprietor
11 of the premises;

12 (2) the primary entrance to the school and the primary
13 entrance to the premises are on the same street;

14 (3) the school was founded in 1949;

15 (4) the building in which the premises are situated was
16 constructed before 1930;

17 (5) the building in which the premises are situated is
18 immediately across the street from the school; and

19 (6) the school has not indicated its opposition to the
20 issuance or renewal of the license in writing.

21 (kkk) (Blank).

22 (lll) Notwithstanding any provision of this Section to the
23 contrary, nothing in this Section shall prohibit the issuance
24 or renewal of a license authorizing the sale of alcoholic
25 liquor at premises located within a municipality with a
26 population in excess of 1,000,000 inhabitants and within 100

1 feet of a synagogue or school if:

2 (1) the sale of alcoholic liquor at the premises is
3 incidental to the sale of food;

4 (2) the sale of alcoholic liquor is not the principal
5 business carried on by the licensee at the premises;

6 (3) the premises are located on the same street on
7 which the synagogue or school is located;

8 (4) the primary entrance to the premises and the
9 closest entrance to the synagogue or school is at least 100
10 feet apart;

11 (5) the shortest distance between the premises and the
12 synagogue or school is at least 65 feet apart and no
13 greater than 70 feet apart;

14 (6) the premises are between 1,800 and 2,000 square
15 feet;

16 (7) the synagogue was founded in 1861; and

17 (8) the leader of the synagogue has indicated, in
18 writing, the synagogue's support for the issuance or
19 renewal of the license.

20 (mmm) Notwithstanding any provision of this Section to the
21 contrary, nothing in this Section shall prohibit the issuance
22 or renewal of licenses authorizing the sale of alcoholic liquor
23 within a restaurant or lobby coffee house at premises located
24 within a municipality with a population in excess of 1,000,000
25 inhabitants and within 100 feet of a church if:

26 (1) the sale of alcoholic liquor is not the principal

1 business carried on by the licensee at the premises;

2 (2) the sale of alcoholic liquor at the premises is
3 incidental to the sale of food in a restaurant;

4 (3) the restaurant has been run by the same family for
5 at least 19 consecutive years;

6 (4) the premises are located in a 3-story building in
7 the most easterly part of the first floor;

8 (5) the building in which the premises are located has
9 residential housing on the second and third floors;

10 (6) the primary entrance to the premises is on a
11 north-south street around the corner and across an alley
12 from the primary entrance to the church, which is on an
13 east-west street;

14 (7) the primary entrance to the church and the primary
15 entrance to the premises are more than 160 feet apart; and

16 (8) the church has expressed, in writing, its support
17 for the issuance of a license under this subsection.

18 (nnn) Notwithstanding any provision of this Section to the
19 contrary, nothing in this Section shall prohibit the issuance
20 or renewal of licenses authorizing the sale of alcoholic liquor
21 within a restaurant or lobby coffee house at premises located
22 within a municipality with a population in excess of 1,000,000
23 inhabitants and within 100 feet of a school and church or
24 synagogue if:

25 (1) the sale of alcoholic liquor is not the principal
26 business carried on by the licensee at the premises;

1 (2) the sale of alcoholic liquor at the premises is
2 incidental to the sale of food in a restaurant;

3 (3) the front door of the synagogue faces east on the
4 next north-south street east of and parallel to the
5 north-south street on which the restaurant is located where
6 the restaurant's front door faces west;

7 (4) the closest exterior pedestrian entrance that
8 leads to the school or the synagogue is across an east-west
9 street and at least 300 feet from the primary entrance to
10 the restaurant;

11 (5) the nearest church-related or school-related
12 building is a community center building;

13 (6) the restaurant is on the ground floor of a 3-story
14 building constructed in 1896 with a brick façade;

15 (7) the restaurant shares the ground floor with a
16 theater, and the second and third floors of the building in
17 which the restaurant is located consists of residential
18 housing;

19 (8) the leader of the synagogue and school has
20 expressed, in writing, that the synagogue does not object
21 to the issuance of a license under this subsection; and

22 (9) the alderman of the ward in which the premises is
23 located has expressed, in writing, his or her support for
24 the issuance of the license.

25 (ooo) Notwithstanding any provision of this Section to the
26 contrary, nothing in this Section shall prohibit the issuance

1 or renewal of a license authorizing the sale of alcoholic
2 liquor at premises located within a municipality with a
3 population in excess of 2,000 but less than 5,000 inhabitants
4 in a county with a population in excess of 3,000,000 and within
5 100 feet of a home for the aged if:

6 (1) as of March 1, 2016, the premises were used to sell
7 alcohol pursuant to a retail tavern and packaged goods
8 license issued by the municipality and held by a limited
9 liability company as the proprietor of the premises;

10 (2) the home for the aged was completed in 2015;

11 (3) the home for the aged is a 5-story structure;

12 (4) the building in which the premises are situated is
13 directly adjacent to the home for the aged;

14 (5) the building in which the premises are situated was
15 constructed before 1950;

16 (6) the home for the aged has not indicated its
17 opposition to the issuance or renewal of the license; and

18 (7) the president of the municipality has expressed in
19 writing that he or she does not object to the issuance or
20 renewal of the license.

21 (ppp) Notwithstanding any provision of this Section to the
22 contrary, nothing in this Section shall prohibit the issuance
23 or renewal of a license authorizing the sale of alcoholic
24 liquor at premises located within a municipality with a
25 population in excess of 1,000,000 inhabitants and within 100
26 feet of a church or churches if:

1 (1) the shortest distance between the premises and a
2 church is at least 78 feet apart and no greater than 95
3 feet apart;

4 (2) the premises are a single-story, brick commercial
5 building and at least 5,067 square feet and were
6 constructed in 1922;

7 (3) the premises are located in a B3-2 zoning district;

8 (4) the premises are separated from the buildings
9 containing the churches by a street;

10 (5) the previous owners of the business located on the
11 premises held a liquor license for at least 10 years;

12 (6) the new owner of the business located on the
13 premises has managed 2 other food and liquor stores since
14 1997;

15 (7) the principal religious leaders at the places of
16 worship have indicated their support for the issuance or
17 renewal of the license in writing; and

18 (8) the alderman of the ward in which the premises are
19 located has indicated his or her support for the issuance
20 or renewal of the license in writing.

21 (Source: P.A. 98-274, eff. 8-9-13; 98-463, eff. 8-16-13;
22 98-571, eff. 8-27-13; 98-592, eff. 11-15-13; 98-1092, eff.
23 8-26-14; 98-1158, eff. 1-9-15; 99-46, eff. 7-15-15; 99-47, eff.
24 7-15-15; 99-477, eff. 8-27-15; 99-484, eff. 10-30-15; 99-558,
25 eff. 7-15-16; 99-642, eff. 7-28-16; revised 10-27-16.)

1 (235 ILCS 5/6-15) (from Ch. 43, par. 130)

2 Sec. 6-15. No alcoholic liquors shall be sold or delivered
3 in any building belonging to or under the control of the State
4 or any political subdivision thereof except as provided in this
5 Act. The corporate authorities of any city, village,
6 incorporated town, township, or county may provide by
7 ordinance, however, that alcoholic liquor may be sold or
8 delivered in any specifically designated building belonging to
9 or under the control of the municipality, township, or county,
10 or in any building located on land under the control of the
11 municipality, township, or county; provided that such township
12 or county complies with all applicable local ordinances in any
13 incorporated area of the township or county. Alcoholic liquor
14 may be delivered to and sold under the authority of a special
15 use permit on any property owned by a conservation district
16 organized under the Conservation District Act, provided that
17 (i) the alcoholic liquor is sold only at an event authorized by
18 the governing board of the conservation district, (ii) the
19 issuance of the special use permit is authorized by the local
20 liquor control commissioner of the territory in which the
21 property is located, and (iii) the special use permit
22 authorizes the sale of alcoholic liquor for one day or less.
23 Alcoholic liquors may be delivered to and sold at any airport
24 belonging to or under the control of a municipality of more
25 than 25,000 inhabitants, or in any building or on any golf
26 course owned by a park district organized under the Park

1 District Code, subject to the approval of the governing board
2 of the district, or in any building or on any golf course owned
3 by a forest preserve district organized under the Downstate
4 Forest Preserve District Act, subject to the approval of the
5 governing board of the district, or on the grounds within 500
6 feet of any building owned by a forest preserve district
7 organized under the Downstate Forest Preserve District Act
8 during times when food is dispensed for consumption within 500
9 feet of the building from which the food is dispensed, subject
10 to the approval of the governing board of the district, or in a
11 building owned by a Local Mass Transit District organized under
12 the Local Mass Transit District Act, subject to the approval of
13 the governing Board of the District, or in Bicentennial Park,
14 or on the premises of the City of Mendota Lake Park located
15 adjacent to Route 51 in Mendota, Illinois, or on the premises
16 of Camden Park in Milan, Illinois, or in the community center
17 owned by the City of Loves Park that is located at 1000 River
18 Park Drive in Loves Park, Illinois, or, in connection with the
19 operation of an established food serving facility during times
20 when food is dispensed for consumption on the premises, and at
21 the following aquarium and museums located in public parks: Art
22 Institute of Chicago, Chicago Academy of Sciences, Chicago
23 Historical Society, Field Museum of Natural History, Museum of
24 Science and Industry, DuSable Museum of African American
25 History, John G. Shedd Aquarium and Adler Planetarium, or at
26 Lakeview Museum of Arts and Sciences in Peoria, or in

1 connection with the operation of the facilities of the Chicago
2 Zoological Society or the Chicago Horticultural Society on land
3 owned by the Forest Preserve District of Cook County, or on any
4 land used for a golf course or for recreational purposes owned
5 by the Forest Preserve District of Cook County, subject to the
6 control of the Forest Preserve District Board of Commissioners
7 and applicable local law, provided that dram shop liability
8 insurance is provided at maximum coverage limits so as to hold
9 the District harmless from all financial loss, damage, and
10 harm, or in any building located on land owned by the Chicago
11 Park District if approved by the Park District Commissioners,
12 or on any land used for a golf course or for recreational
13 purposes and owned by the Illinois International Port District
14 if approved by the District's governing board, or at any
15 airport, golf course, faculty center, or facility in which
16 conference and convention type activities take place belonging
17 to or under control of any State university or public community
18 college district, provided that with respect to a facility for
19 conference and convention type activities alcoholic liquors
20 shall be limited to the use of the convention or conference
21 participants or participants in cultural, political or
22 educational activities held in such facilities, and provided
23 further that the faculty or staff of the State university or a
24 public community college district, or members of an
25 organization of students, alumni, faculty or staff of the State
26 university or a public community college district are active

1 participants in the conference or convention, or in Memorial
2 Stadium on the campus of the University of Illinois at
3 Urbana-Champaign during games in which the Chicago Bears
4 professional football team is playing in that stadium during
5 the renovation of Soldier Field, not more than one and a half
6 hours before the start of the game and not after the end of the
7 third quarter of the game, or in the Pavilion Facility on the
8 campus of the University of Illinois at Chicago during games in
9 which the Chicago Storm professional soccer team is playing in
10 that facility, not more than one and a half hours before the
11 start of the game and not after the end of the third quarter of
12 the game, or in the Pavilion Facility on the campus of the
13 University of Illinois at Chicago during games in which the
14 WNBA professional women's basketball team is playing in that
15 facility, not more than one and a half hours before the start
16 of the game and not after the 10-minute mark of the second half
17 of the game, or by a catering establishment which has rented
18 facilities from a board of trustees of a public community
19 college district, or in a restaurant that is operated by a
20 commercial tenant in the North Campus Parking Deck building
21 that (1) is located at 1201 West University Avenue, Urbana,
22 Illinois and (2) is owned by the Board of Trustees of the
23 University of Illinois, or, if approved by the District board,
24 on land owned by the Metropolitan Sanitary District of Greater
25 Chicago and leased to others for a term of at least 20 years.
26 Nothing in this Section precludes the sale or delivery of

1 alcoholic liquor in the form of original packaged goods in
2 premises located at 500 S. Racine in Chicago belonging to the
3 University of Illinois and used primarily as a grocery store by
4 a commercial tenant during the term of a lease that predates
5 the University's acquisition of the premises; but the
6 University shall have no power or authority to renew, transfer,
7 or extend the lease with terms allowing the sale of alcoholic
8 liquor; and the sale of alcoholic liquor shall be subject to
9 all local laws and regulations. After the acquisition by
10 Winnebago County of the property located at 404 Elm Street in
11 Rockford, a commercial tenant who sold alcoholic liquor at
12 retail on a portion of the property under a valid license at
13 the time of the acquisition may continue to do so for so long
14 as the tenant and the County may agree under existing or future
15 leases, subject to all local laws and regulations regarding the
16 sale of alcoholic liquor. Alcoholic liquors may be delivered to
17 and sold at Memorial Hall, located at 211 North Main Street,
18 Rockford, under conditions approved by Winnebago County and
19 subject to all local laws and regulations regarding the sale of
20 alcoholic liquor. Each facility shall provide dram shop
21 liability in maximum insurance coverage limits so as to save
22 harmless the State, municipality, State university, airport,
23 golf course, faculty center, facility in which conference and
24 convention type activities take place, park district, Forest
25 Preserve District, public community college district,
26 aquarium, museum, or sanitary district from all financial loss,

1 damage or harm. Alcoholic liquors may be sold at retail in
2 buildings of golf courses owned by municipalities or Illinois
3 State University in connection with the operation of an
4 established food serving facility during times when food is
5 dispensed for consumption upon the premises. Alcoholic liquors
6 may be delivered to and sold at retail in any building owned by
7 a fire protection district organized under the Fire Protection
8 District Act, provided that such delivery and sale is approved
9 by the board of trustees of the district, and provided further
10 that such delivery and sale is limited to fundraising events
11 and to a maximum of 6 events per year. However, the limitation
12 to fundraising events and to a maximum of 6 events per year
13 does not apply to the delivery, sale, or manufacture of
14 alcoholic liquors at the building located at 59 Main Street in
15 Oswego, Illinois, owned by the Oswego Fire Protection District
16 if the alcoholic liquor is sold or dispensed as approved by the
17 Oswego Fire Protection District and the property is no longer
18 being utilized for fire protection purposes.

19 Alcoholic liquors may be served or sold in buildings under
20 the control of the Board of Trustees of the University of
21 Illinois for events that the Board may determine are public
22 events and not related student activities. The Board of
23 Trustees shall issue a written policy within 6 months of August
24 15, 2008 (the effective date of Public Act 95-847) ~~this~~
25 ~~amendatory Act of the 95th General Assembly~~ concerning the
26 types of events that would be eligible for an exemption.

1 Thereafter, the Board of Trustees may issue revised, updated,
2 new, or amended policies as it deems necessary and appropriate.
3 In preparing its written policy, the Board of Trustees shall,
4 among other factors it considers relevant and important, give
5 consideration to the following: (i) whether the event is a
6 student activity or student related activity; (ii) whether the
7 physical setting of the event is conducive to control of liquor
8 sales and distribution; (iii) the ability of the event operator
9 to ensure that the sale or serving of alcoholic liquors and the
10 demeanor of the participants are in accordance with State law
11 and University policies; (iv) regarding the anticipated
12 attendees at the event, the relative proportion of individuals
13 under the age of 21 to individuals age 21 or older; (v) the
14 ability of the venue operator to prevent the sale or
15 distribution of alcoholic liquors to individuals under the age
16 of 21; (vi) whether the event prohibits participants from
17 removing alcoholic beverages from the venue; and (vii) whether
18 the event prohibits participants from providing their own
19 alcoholic liquors to the venue. In addition, any policy
20 submitted by the Board of Trustees to the Illinois Liquor
21 Control Commission must require that any event at which
22 alcoholic liquors are served or sold in buildings under the
23 control of the Board of Trustees shall require the prior
24 written approval of the Office of the Chancellor for the
25 University campus where the event is located. The Board of
26 Trustees shall submit its policy, and any subsequently revised,

1 updated, new, or amended policies, to the Illinois Liquor
2 Control Commission, and any University event, or location for
3 an event, exempted under such policies shall apply for a
4 license under the applicable Sections of this Act.

5 Alcoholic liquors may be served or sold in buildings under
6 the control of the Board of Trustees of Northern Illinois
7 University for events that the Board may determine are public
8 events and not student-related activities. The Board of
9 Trustees shall issue a written policy within 6 months after
10 June 28, 2011 (the effective date of Public Act 97-45)
11 concerning the types of events that would be eligible for an
12 exemption. Thereafter, the Board of Trustees may issue revised,
13 updated, new, or amended policies as it deems necessary and
14 appropriate. In preparing its written policy, the Board of
15 Trustees shall, in addition to other factors it considers
16 relevant and important, give consideration to the following:
17 (i) whether the event is a student activity or student-related
18 activity; (ii) whether the physical setting of the event is
19 conducive to control of liquor sales and distribution; (iii)
20 the ability of the event operator to ensure that the sale or
21 serving of alcoholic liquors and the demeanor of the
22 participants are in accordance with State law and University
23 policies; (iv) the anticipated attendees at the event and the
24 relative proportion of individuals under the age of 21 to
25 individuals age 21 or older; (v) the ability of the venue
26 operator to prevent the sale or distribution of alcoholic

1 liquors to individuals under the age of 21; (vi) whether the
2 event prohibits participants from removing alcoholic beverages
3 from the venue; and (vii) whether the event prohibits
4 participants from providing their own alcoholic liquors to the
5 venue.

6 Alcoholic liquors may be served or sold in buildings under
7 the control of the Board of Trustees of Chicago State
8 University for events that the Board may determine are public
9 events and not student-related activities. The Board of
10 Trustees shall issue a written policy within 6 months after
11 August 2, 2013 (the effective date of Public Act 98-132)
12 concerning the types of events that would be eligible for an
13 exemption. Thereafter, the Board of Trustees may issue revised,
14 updated, new, or amended policies as it deems necessary and
15 appropriate. In preparing its written policy, the Board of
16 Trustees shall, in addition to other factors it considers
17 relevant and important, give consideration to the following:
18 (i) whether the event is a student activity or student-related
19 activity; (ii) whether the physical setting of the event is
20 conducive to control of liquor sales and distribution; (iii)
21 the ability of the event operator to ensure that the sale or
22 serving of alcoholic liquors and the demeanor of the
23 participants are in accordance with State law and University
24 policies; (iv) the anticipated attendees at the event and the
25 relative proportion of individuals under the age of 21 to
26 individuals age 21 or older; (v) the ability of the venue

1 operator to prevent the sale or distribution of alcoholic
2 liquors to individuals under the age of 21; (vi) whether the
3 event prohibits participants from removing alcoholic beverages
4 from the venue; and (vii) whether the event prohibits
5 participants from providing their own alcoholic liquors to the
6 venue.

7 Alcoholic liquors may be served or sold in buildings under
8 the control of the Board of Trustees of Illinois State
9 University for events that the Board may determine are public
10 events and not student-related activities. The Board of
11 Trustees shall issue a written policy within 6 months after
12 March 1, 2013 (the effective date of Public Act 97-1166) ~~this~~
13 ~~amendatory Act of the 97th General Assembly~~ concerning the
14 types of events that would be eligible for an exemption.
15 Thereafter, the Board of Trustees may issue revised, updated,
16 new, or amended policies as it deems necessary and appropriate.
17 In preparing its written policy, the Board of Trustees shall,
18 in addition to other factors it considers relevant and
19 important, give consideration to the following: (i) whether the
20 event is a student activity or student-related activity; (ii)
21 whether the physical setting of the event is conducive to
22 control of liquor sales and distribution; (iii) the ability of
23 the event operator to ensure that the sale or serving of
24 alcoholic liquors and the demeanor of the participants are in
25 accordance with State law and University policies; (iv) the
26 anticipated attendees at the event and the relative proportion

1 of individuals under the age of 21 to individuals age 21 or
2 older; (v) the ability of the venue operator to prevent the
3 sale or distribution of alcoholic liquors to individuals under
4 the age of 21; (vi) whether the event prohibits participants
5 from removing alcoholic beverages from the venue; and (vii)
6 whether the event prohibits participants from providing their
7 own alcoholic liquors to the venue.

8 Alcoholic liquors may be served or sold in buildings under
9 the control of the Board of Trustees of Southern Illinois
10 University for events that the Board may determine are public
11 events and not student-related activities. The Board of
12 Trustees shall issue a written policy within 6 months after
13 August 12, 2016 (the effective date of Public Act 99-795) ~~this~~
14 ~~amendatory Act of the 99th General Assembly~~ concerning the
15 types of events that would be eligible for an exemption.
16 Thereafter, the Board of Trustees may issue revised, updated,
17 new, or amended policies as it deems necessary and appropriate.
18 In preparing its written policy, the Board of Trustees shall,
19 in addition to other factors it considers relevant and
20 important, give consideration to the following: (i) whether the
21 event is a student activity or student-related activity; (ii)
22 whether the physical setting of the event is conducive to
23 control of liquor sales and distribution; (iii) the ability of
24 the event operator to ensure that the sale or serving of
25 alcoholic liquors and the demeanor of the participants are in
26 accordance with State law and University policies; (iv) the

1 anticipated attendees at the event and the relative proportion
2 of individuals under the age of 21 to individuals age 21 or
3 older; (v) the ability of the venue operator to prevent the
4 sale or distribution of alcoholic liquors to individuals under
5 the age of 21; (vi) whether the event prohibits participants
6 from removing alcoholic beverages from the venue; and (vii)
7 whether the event prohibits participants from providing their
8 own alcoholic liquors to the venue.

9 Alcoholic liquors may be served or sold in buildings under
10 the control of the Board of Trustees of a public university for
11 events that the Board of Trustees of that public university may
12 determine are public events and not student-related
13 activities. If the Board of Trustees of a public university has
14 not issued a written policy pursuant to an exemption under this
15 Section on or before July 15, 2016 (the effective date of
16 Public Act 99-550) ~~this amendatory Act of the 99th General~~
17 ~~Assembly~~, then that Board of Trustees shall issue a written
18 policy within 6 months after July 15, 2016 (the effective date
19 of Public Act 99-550) ~~this amendatory Act of the 99th General~~
20 ~~Assembly~~ concerning the types of events that would be eligible
21 for an exemption. Thereafter, the Board of Trustees may issue
22 revised, updated, new, or amended policies as it deems
23 necessary and appropriate. In preparing its written policy, the
24 Board of Trustees shall, in addition to other factors it
25 considers relevant and important, give consideration to the
26 following: (i) whether the event is a student activity or

1 student-related activity; (ii) whether the physical setting of
2 the event is conducive to control of liquor sales and
3 distribution; (iii) the ability of the event operator to ensure
4 that the sale or serving of alcoholic liquors and the demeanor
5 of the participants are in accordance with State law and
6 University policies; (iv) the anticipated attendees at the
7 event and the relative proportion of individuals under the age
8 of 21 to individuals age 21 or older; (v) the ability of the
9 venue operator to prevent the sale or distribution of alcoholic
10 liquors to individuals under the age of 21; (vi) whether the
11 event prohibits participants from removing alcoholic beverages
12 from the venue; and (vii) whether the event prohibits
13 participants from providing their own alcoholic liquors to the
14 venue. As used in this paragraph, "public university" means the
15 University of Illinois, Illinois State University, Chicago
16 State University, Governors State University, Southern
17 Illinois University, Northern Illinois University, Eastern
18 Illinois University, Western Illinois University, and
19 Northeastern Illinois University.

20 Alcoholic liquors may be served or sold in buildings under
21 the control of the Board of Trustees of a community college
22 district for events that the Board of Trustees of that
23 community college district may determine are public events and
24 not student-related activities. The Board of Trustees shall
25 issue a written policy within 6 months after July 15, 2016 (the
26 effective date of Public Act 99-550) ~~this amendatory Act of the~~

1 ~~99th General Assembly~~ concerning the types of events that would
2 be eligible for an exemption. Thereafter, the Board of Trustees
3 may issue revised, updated, new, or amended policies as it
4 deems necessary and appropriate. In preparing its written
5 policy, the Board of Trustees shall, in addition to other
6 factors it considers relevant and important, give
7 consideration to the following: (i) whether the event is a
8 student activity or student-related activity; (ii) whether the
9 physical setting of the event is conducive to control of liquor
10 sales and distribution; (iii) the ability of the event operator
11 to ensure that the sale or serving of alcoholic liquors and the
12 demeanor of the participants are in accordance with State law
13 and community college district policies; (iv) the anticipated
14 attendees at the event and the relative proportion of
15 individuals under the age of 21 to individuals age 21 or older;
16 (v) the ability of the venue operator to prevent the sale or
17 distribution of alcoholic liquors to individuals under the age
18 of 21; (vi) whether the event prohibits participants from
19 removing alcoholic beverages from the venue; and (vii) whether
20 the event prohibits participants from providing their own
21 alcoholic liquors to the venue. This paragraph does not apply
22 to any community college district authorized to sell or serve
23 alcoholic liquor under any other provision of this Section.

24 Alcoholic liquor may be delivered to and sold at retail in
25 the Dorchester Senior Business Center owned by the Village of
26 Dolton if the alcoholic liquor is sold or dispensed only in

1 connection with organized functions for which the planned
2 attendance is 20 or more persons, and if the person or facility
3 selling or dispensing the alcoholic liquor has provided dram
4 shop liability insurance in maximum limits so as to hold
5 harmless the Village of Dolton and the State from all financial
6 loss, damage and harm.

7 Alcoholic liquors may be delivered to and sold at retail in
8 any building used as an Illinois State Armory provided:

9 (i) the Adjutant General's written consent to the
10 issuance of a license to sell alcoholic liquor in such
11 building is filed with the Commission;

12 (ii) the alcoholic liquor is sold or dispensed only in
13 connection with organized functions held on special
14 occasions;

15 (iii) the organized function is one for which the
16 planned attendance is 25 or more persons; and

17 (iv) the facility selling or dispensing the alcoholic
18 liquors has provided dram shop liability insurance in
19 maximum limits so as to save harmless the facility and the
20 State from all financial loss, damage or harm.

21 Alcoholic liquors may be delivered to and sold at retail in
22 the Chicago Civic Center, provided that:

23 (i) the written consent of the Public Building
24 Commission which administers the Chicago Civic Center is
25 filed with the Commission;

26 (ii) the alcoholic liquor is sold or dispensed only in

1 connection with organized functions held on special
2 occasions;

3 (iii) the organized function is one for which the
4 planned attendance is 25 or more persons;

5 (iv) the facility selling or dispensing the alcoholic
6 liquors has provided dram shop liability insurance in
7 maximum limits so as to hold harmless the Civic Center, the
8 City of Chicago and the State from all financial loss,
9 damage or harm; and

10 (v) all applicable local ordinances are complied with.

11 Alcoholic liquors may be delivered or sold in any building
12 belonging to or under the control of any city, village or
13 incorporated town where more than 75% of the physical
14 properties of the building is used for commercial or
15 recreational purposes, and the building is located upon a pier
16 extending into or over the waters of a navigable lake or stream
17 or on the shore of a navigable lake or stream. In accordance
18 with a license issued under this Act, alcoholic liquor may be
19 sold, served, or delivered in buildings and facilities under
20 the control of the Department of Natural Resources during
21 events or activities lasting no more than 7 continuous days
22 upon the written approval of the Director of Natural Resources
23 acting as the controlling government authority. The Director of
24 Natural Resources may specify conditions on that approval,
25 including but not limited to requirements for insurance and
26 hours of operation. Notwithstanding any other provision of this

1 Act, alcoholic liquor sold by a United States Army Corps of
2 Engineers or Department of Natural Resources concessionaire
3 who was operating on June 1, 1991 for on-premises consumption
4 only is not subject to the provisions of Articles IV and IX.
5 Beer and wine may be sold on the premises of the Joliet Park
6 District Stadium owned by the Joliet Park District when written
7 consent to the issuance of a license to sell beer and wine in
8 such premises is filed with the local liquor commissioner by
9 the Joliet Park District. Beer and wine may be sold in
10 buildings on the grounds of State veterans' homes when written
11 consent to the issuance of a license to sell beer and wine in
12 such buildings is filed with the Commission by the Department
13 of Veterans' Affairs, and the facility shall provide dram shop
14 liability in maximum insurance coverage limits so as to save
15 the facility harmless from all financial loss, damage or harm.
16 Such liquors may be delivered to and sold at any property owned
17 or held under lease by a Metropolitan Pier and Exposition
18 Authority or Metropolitan Exposition and Auditorium Authority.

19 Beer and wine may be sold and dispensed at professional
20 sporting events and at professional concerts and other
21 entertainment events conducted on premises owned by the Forest
22 Preserve District of Kane County, subject to the control of the
23 District Commissioners and applicable local law, provided that
24 dram shop liability insurance is provided at maximum coverage
25 limits so as to hold the District harmless from all financial
26 loss, damage and harm.

1 Nothing in this Section shall preclude the sale or delivery
2 of beer and wine at a State or county fair or the sale or
3 delivery of beer or wine at a city fair in any otherwise lawful
4 manner.

5 Alcoholic liquors may be sold at retail in buildings in
6 State parks under the control of the Department of Natural
7 Resources, provided:

8 a. the State park has overnight lodging facilities with
9 some restaurant facilities or, not having overnight
10 lodging facilities, has restaurant facilities which serve
11 complete luncheon and dinner or supper meals,

12 b. (blank), and

13 c. the alcoholic liquors are sold by the State park
14 lodge or restaurant concessionaire only during the hours
15 from 11 o'clock a.m. until 12 o'clock midnight.
16 Notwithstanding any other provision of this Act, alcoholic
17 liquor sold by the State park or restaurant concessionaire
18 is not subject to the provisions of Articles IV and IX.

19 Alcoholic liquors may be sold at retail in buildings on
20 properties under the control of the Historic Sites and
21 Preservation Division of the Historic Preservation Agency or
22 the Abraham Lincoln Presidential Library and Museum provided:

23 a. the property has overnight lodging facilities with
24 some restaurant facilities or, not having overnight
25 lodging facilities, has restaurant facilities which serve
26 complete luncheon and dinner or supper meals,

1 b. consent to the issuance of a license to sell
2 alcoholic liquors in the buildings has been filed with the
3 commission by the Historic Sites and Preservation Division
4 of the Historic Preservation Agency or the Abraham Lincoln
5 Presidential Library and Museum, and

6 c. the alcoholic liquors are sold by the lodge or
7 restaurant concessionaire only during the hours from 11
8 o'clock a.m. until 12 o'clock midnight.

9 The sale of alcoholic liquors pursuant to this Section does
10 not authorize the establishment and operation of facilities
11 commonly called taverns, saloons, bars, cocktail lounges, and
12 the like except as a part of lodge and restaurant facilities in
13 State parks or golf courses owned by Forest Preserve Districts
14 with a population of less than 3,000,000 or municipalities or
15 park districts.

16 Alcoholic liquors may be sold at retail in the Springfield
17 Administration Building of the Department of Transportation
18 and the Illinois State Armory in Springfield; provided, that
19 the controlling government authority may consent to such sales
20 only if

21 a. the request is from a not-for-profit organization;

22 b. such sales would not impede normal operations of the
23 departments involved;

24 c. the not-for-profit organization provides dram shop
25 liability in maximum insurance coverage limits and agrees
26 to defend, save harmless and indemnify the State of

1 Illinois from all financial loss, damage or harm;

2 d. no such sale shall be made during normal working
3 hours of the State of Illinois; and

4 e. the consent is in writing.

5 Alcoholic liquors may be sold at retail in buildings in
6 recreational areas of river conservancy districts under the
7 control of, or leased from, the river conservancy districts.
8 Such sales are subject to reasonable local regulations as
9 provided in Article IV; however, no such regulations may
10 prohibit or substantially impair the sale of alcoholic liquors
11 on Sundays or Holidays.

12 Alcoholic liquors may be provided in long term care
13 facilities owned or operated by a county under Division 5-21 or
14 5-22 of the Counties Code, when approved by the facility
15 operator and not in conflict with the regulations of the
16 Illinois Department of Public Health, to residents of the
17 facility who have had their consumption of the alcoholic
18 liquors provided approved in writing by a physician licensed to
19 practice medicine in all its branches.

20 Alcoholic liquors may be delivered to and dispensed in
21 State housing assigned to employees of the Department of
22 Corrections. No person shall furnish or allow to be furnished
23 any alcoholic liquors to any prisoner confined in any jail,
24 reformatory, prison or house of correction except upon a
25 physician's prescription for medicinal purposes.

26 Alcoholic liquors may be sold at retail or dispensed at the

1 Willard Ice Building in Springfield, at the State Library in
2 Springfield, and at Illinois State Museum facilities by (1) an
3 agency of the State, whether legislative, judicial or
4 executive, provided that such agency first obtains written
5 permission to sell or dispense alcoholic liquors from the
6 controlling government authority, or by (2) a not-for-profit
7 organization, provided that such organization:

8 a. Obtains written consent from the controlling
9 government authority;

10 b. Sells or dispenses the alcoholic liquors in a manner
11 that does not impair normal operations of State offices
12 located in the building;

13 c. Sells or dispenses alcoholic liquors only in
14 connection with an official activity in the building;

15 d. Provides, or its catering service provides, dram
16 shop liability insurance in maximum coverage limits and in
17 which the carrier agrees to defend, save harmless and
18 indemnify the State of Illinois from all financial loss,
19 damage or harm arising out of the selling or dispensing of
20 alcoholic liquors.

21 Nothing in this Act shall prevent a not-for-profit
22 organization or agency of the State from employing the services
23 of a catering establishment for the selling or dispensing of
24 alcoholic liquors at authorized functions.

25 The controlling government authority for the Willard Ice
26 Building in Springfield shall be the Director of the Department

1 of Revenue. The controlling government authority for Illinois
2 State Museum facilities shall be the Director of the Illinois
3 State Museum. The controlling government authority for the
4 State Library in Springfield shall be the Secretary of State.

5 Alcoholic liquors may be delivered to and sold at retail or
6 dispensed at any facility, property or building under the
7 jurisdiction of the Historic Sites and Preservation Division of
8 the Historic Preservation Agency or the Abraham Lincoln
9 Presidential Library and Museum where the delivery, sale or
10 dispensing is by (1) an agency of the State, whether
11 legislative, judicial or executive, provided that such agency
12 first obtains written permission to sell or dispense alcoholic
13 liquors from a controlling government authority, or by (2) an
14 individual or organization provided that such individual or
15 organization:

16 a. Obtains written consent from the controlling
17 government authority;

18 b. Sells or dispenses the alcoholic liquors in a manner
19 that does not impair normal workings of State offices or
20 operations located at the facility, property or building;

21 c. Sells or dispenses alcoholic liquors only in
22 connection with an official activity of the individual or
23 organization in the facility, property or building;

24 d. Provides, or its catering service provides, dram
25 shop liability insurance in maximum coverage limits and in
26 which the carrier agrees to defend, save harmless and

1 indemnify the State of Illinois from all financial loss,
2 damage or harm arising out of the selling or dispensing of
3 alcoholic liquors.

4 The controlling government authority for the Historic
5 Sites and Preservation Division of the Historic Preservation
6 Agency shall be the Director of the Historic Sites and
7 Preservation, and the controlling government authority for the
8 Abraham Lincoln Presidential Library and Museum shall be the
9 Director of the Abraham Lincoln Presidential Library and
10 Museum.

11 Alcoholic liquors may be delivered to and sold at retail or
12 dispensed for consumption at the Michael Bilandic Building at
13 160 North LaSalle Street, Chicago IL 60601, after the normal
14 business hours of any day care or child care facility located
15 in the building, by (1) a commercial tenant or subtenant
16 conducting business on the premises under a lease made pursuant
17 to Section 405-315 of the Department of Central Management
18 Services Law (20 ILCS 405/405-315), provided that such tenant
19 or subtenant who accepts delivery of, sells, or dispenses
20 alcoholic liquors shall procure and maintain dram shop
21 liability insurance in maximum coverage limits and in which the
22 carrier agrees to defend, indemnify, and save harmless the
23 State of Illinois from all financial loss, damage, or harm
24 arising out of the delivery, sale, or dispensing of alcoholic
25 liquors, or by (2) an agency of the State, whether legislative,
26 judicial, or executive, provided that such agency first obtains

1 written permission to accept delivery of and sell or dispense
2 alcoholic liquors from the Director of Central Management
3 Services, or by (3) a not-for-profit organization, provided
4 that such organization:

5 a. obtains written consent from the Department of
6 Central Management Services;

7 b. accepts delivery of and sells or dispenses the
8 alcoholic liquors in a manner that does not impair normal
9 operations of State offices located in the building;

10 c. accepts delivery of and sells or dispenses alcoholic
11 liquors only in connection with an official activity in the
12 building; and

13 d. provides, or its catering service provides, dram
14 shop liability insurance in maximum coverage limits and in
15 which the carrier agrees to defend, save harmless, and
16 indemnify the State of Illinois from all financial loss,
17 damage, or harm arising out of the selling or dispensing of
18 alcoholic liquors.

19 Nothing in this Act shall prevent a not-for-profit
20 organization or agency of the State from employing the services
21 of a catering establishment for the selling or dispensing of
22 alcoholic liquors at functions authorized by the Director of
23 Central Management Services.

24 Alcoholic liquors may be sold at retail or dispensed at the
25 James R. Thompson Center in Chicago, subject to the provisions
26 of Section 7.4 of the State Property Control Act, and 222 South

1 College Street in Springfield, Illinois by (1) a commercial
2 tenant or subtenant conducting business on the premises under a
3 lease or sublease made pursuant to Section 405-315 of the
4 Department of Central Management Services Law (20 ILCS
5 405/405-315), provided that such tenant or subtenant who sells
6 or dispenses alcoholic liquors shall procure and maintain dram
7 shop liability insurance in maximum coverage limits and in
8 which the carrier agrees to defend, indemnify and save harmless
9 the State of Illinois from all financial loss, damage or harm
10 arising out of the sale or dispensing of alcoholic liquors, or
11 by (2) an agency of the State, whether legislative, judicial or
12 executive, provided that such agency first obtains written
13 permission to sell or dispense alcoholic liquors from the
14 Director of Central Management Services, or by (3) a
15 not-for-profit organization, provided that such organization:

16 a. Obtains written consent from the Department of
17 Central Management Services;

18 b. Sells or dispenses the alcoholic liquors in a manner
19 that does not impair normal operations of State offices
20 located in the building;

21 c. Sells or dispenses alcoholic liquors only in
22 connection with an official activity in the building;

23 d. Provides, or its catering service provides, dram
24 shop liability insurance in maximum coverage limits and in
25 which the carrier agrees to defend, save harmless and
26 indemnify the State of Illinois from all financial loss,

1 damage or harm arising out of the selling or dispensing of
2 alcoholic liquors.

3 Nothing in this Act shall prevent a not-for-profit
4 organization or agency of the State from employing the services
5 of a catering establishment for the selling or dispensing of
6 alcoholic liquors at functions authorized by the Director of
7 Central Management Services.

8 Alcoholic liquors may be sold or delivered at any facility
9 owned by the Illinois Sports Facilities Authority provided that
10 dram shop liability insurance has been made available in a
11 form, with such coverage and in such amounts as the Authority
12 reasonably determines is necessary.

13 Alcoholic liquors may be sold at retail or dispensed at the
14 Rockford State Office Building by (1) an agency of the State,
15 whether legislative, judicial or executive, provided that such
16 agency first obtains written permission to sell or dispense
17 alcoholic liquors from the Department of Central Management
18 Services, or by (2) a not-for-profit organization, provided
19 that such organization:

20 a. Obtains written consent from the Department of
21 Central Management Services;

22 b. Sells or dispenses the alcoholic liquors in a manner
23 that does not impair normal operations of State offices
24 located in the building;

25 c. Sells or dispenses alcoholic liquors only in
26 connection with an official activity in the building;

1 d. Provides, or its catering service provides, dram
2 shop liability insurance in maximum coverage limits and in
3 which the carrier agrees to defend, save harmless and
4 indemnify the State of Illinois from all financial loss,
5 damage or harm arising out of the selling or dispensing of
6 alcoholic liquors.

7 Nothing in this Act shall prevent a not-for-profit
8 organization or agency of the State from employing the services
9 of a catering establishment for the selling or dispensing of
10 alcoholic liquors at functions authorized by the Department of
11 Central Management Services.

12 Alcoholic liquors may be sold or delivered in a building
13 that is owned by McLean County, situated on land owned by the
14 county in the City of Bloomington, and used by the McLean
15 County Historical Society if the sale or delivery is approved
16 by an ordinance adopted by the county board, and the
17 municipality in which the building is located may not prohibit
18 that sale or delivery, notwithstanding any other provision of
19 this Section. The regulation of the sale and delivery of
20 alcoholic liquor in a building that is owned by McLean County,
21 situated on land owned by the county, and used by the McLean
22 County Historical Society as provided in this paragraph is an
23 exclusive power and function of the State and is a denial and
24 limitation under Article VII, Section 6, subsection (h) of the
25 Illinois Constitution of the power of a home rule municipality
26 to regulate that sale and delivery.

1 Alcoholic liquors may be sold or delivered in any building
2 situated on land held in trust for any school district
3 organized under Article 34 of the School Code, if the building
4 is not used for school purposes and if the sale or delivery is
5 approved by the board of education.

6 Alcoholic liquors may be delivered to and sold at retail in
7 any building owned by a public library district, provided that
8 the delivery and sale is approved by the board of trustees of
9 that public library district and is limited to library
10 fundraising events or programs of a cultural or educational
11 nature. Before the board of trustees of a public library
12 district may approve the delivery and sale of alcoholic
13 liquors, the board of trustees of the public library district
14 must have a written policy that has been approved by the board
15 of trustees of the public library district governing when and
16 under what circumstances alcoholic liquors may be delivered to
17 and sold at retail on property owned by that public library
18 district. The written policy must (i) provide that no alcoholic
19 liquor may be sold, distributed, or consumed in any area of the
20 library accessible to the general public during the event or
21 program, (ii) prohibit the removal of alcoholic liquor from the
22 venue during the event, and (iii) require that steps be taken
23 to prevent the sale or distribution of alcoholic liquor to
24 persons under the age of 21. Any public library district that
25 has alcoholic liquor delivered to or sold at retail on property
26 owned by the public library district shall provide dram shop

1 liability insurance in maximum insurance coverage limits so as
2 to save harmless the public library districts from all
3 financial loss, damage, or harm.

4 Alcoholic liquors may be sold or delivered in buildings
5 owned by the Community Building Complex Committee of Boone
6 County, Illinois if the person or facility selling or
7 dispensing the alcoholic liquor has provided dram shop
8 liability insurance with coverage and in amounts that the
9 Committee reasonably determines are necessary.

10 Alcoholic liquors may be sold or delivered in the building
11 located at 1200 Centerville Avenue in Belleville, Illinois and
12 occupied by either the Belleville Area Special Education
13 District or the Belleville Area Special Services Cooperative.

14 Alcoholic liquors may be delivered to and sold at the Louis
15 Joliet Renaissance Center, City Center Campus, located at 214
16 N. Ottawa Street, Joliet, and the Food Services/Culinary Arts
17 Department facilities, Main Campus, located at 1215 Houbolt
18 Road, Joliet, owned by or under the control of Joliet Junior
19 College, Illinois Community College District No. 525.

20 Alcoholic liquors may be delivered to and sold at Triton
21 College, Illinois Community College District No. 504.

22 Alcoholic liquors may be delivered to and sold at the
23 College of DuPage, Illinois Community College District No. 502.

24 Alcoholic liquors may be delivered to and sold on any
25 property owned, operated, or controlled by Lewis and Clark
26 Community College, Illinois Community College District No.

1 536.

2 Alcoholic liquors may be delivered to and sold at the
3 building located at 446 East Hickory Avenue in Apple River,
4 Illinois, owned by the Apple River Fire Protection District,
5 and occupied by the Apple River Community Association if the
6 alcoholic liquor is sold or dispensed only in connection with
7 organized functions approved by the Apple River Community
8 Association for which the planned attendance is 20 or more
9 persons and if the person or facility selling or dispensing the
10 alcoholic liquor has provided dram shop liability insurance in
11 maximum limits so as to hold harmless the Apple River Fire
12 Protection District, the Village of Apple River, and the Apple
13 River Community Association from all financial loss, damage,
14 and harm.

15 Alcoholic liquors may be delivered to and sold at the Sikia
16 Restaurant, Kennedy King College Campus, located at 740 West
17 63rd Street, Chicago, and at the Food Services in the Great
18 Hall/Washburne Culinary Institute Department facility, Kennedy
19 King College Campus, located at 740 West 63rd Street, Chicago,
20 owned by or under the control of City Colleges of Chicago,
21 Illinois Community College District No. 508.

22 (Source: P.A. 98-132, eff. 8-2-13; 98-201, eff. 8-9-13; 98-692,
23 eff. 7-1-14; 98-756, eff. 7-16-14; 98-1092, eff. 8-26-14;
24 99-78, eff. 7-20-15; 99-484, eff. 10-30-15; 99-550, eff.
25 7-15-16; 99-559, eff. 7-15-16; 99-795, eff. 8-12-16; revised
26 9-16-16.)

1 (235 ILCS 5/6-28.5)

2 Sec. 6-28.5. Permitted happy hours and meal packages, party
3 packages, and entertainment packages.

4 (a) As used in this Section:

5 "Dedicated event space" means a room or rooms or other
6 clearly delineated space within a retail licensee's premises
7 that is reserved for the exclusive use of party package
8 invitees during the entirety of a party package. Furniture,
9 stanchions and ropes, or other room dividers may be used to
10 clearly delineate a dedicated event space.

11 "Meal package" means a food and beverage package, which may
12 or may not include entertainment, where the service of
13 alcoholic liquor is an accompaniment to the food, including,
14 but not limited to, a meal, tour, tasting, or any combination
15 thereof for a fixed price by a retail licensee or any other
16 licensee operating within a sports facility, restaurant,
17 winery, brewery, or distillery.

18 "Party package" means a private party, function, or event
19 for a specific social or business occasion, either arranged by
20 invitation or reservation for a defined number of individuals,
21 that is not open to the general public and where attendees are
22 served both food and alcohol for a fixed price in a dedicated
23 event space.

24 (b) A retail licensee may:

25 (1) offer free food or entertainment at any time;

1 (2) include drinks of alcoholic liquor as part of a
2 meal package;

3 (3) sell or offer for sale a party package only if the
4 retail licensee:

5 (A) offers food in the dedicated event space;

6 (B) limits the party package to no more than 3
7 hours;

8 (C) distributes wristbands, lanyards, shirts, or
9 any other such wearable items to identify party package
10 attendees so the attendees may be granted access to the
11 dedicated event space; and

12 (D) excludes individuals not participating in the
13 party package from the dedicated event space;

14 (4) include drinks of alcoholic liquor as part of a
15 hotel package;

16 (5) negotiate drinks of alcoholic liquor as part of a
17 hotel package;

18 (6) provide room service to persons renting rooms at a
19 hotel;

20 (7) sell pitchers (or the equivalent, including, but
21 not limited to, buckets of bottled beer), carafes, or
22 bottles of alcoholic liquor which are customarily sold in
23 such manner, or sell bottles of spirits;

24 (8) advertise events permitted under this Section;

25 (9) include drinks of alcoholic liquor as part of an
26 entertainment package where the licensee is separately

1 licensed by a municipal ordinance that (A) restricts dates
2 of operation to dates during which there is an event at an
3 adjacent stadium, (B) restricts hours of serving alcoholic
4 liquor to 2 hours before the event and one hour after the
5 event, (C) restricts alcoholic liquor sales to beer and
6 wine, (D) requires tickets for admission to the
7 establishment, and (E) prohibits sale of admission tickets
8 on the day of an event and permits the sale of admission
9 tickets for single events only; and

10 (10) discount any drink of alcoholic liquor during a
11 specified time period only if:

12 (A) the price of the drink of alcoholic liquor is
13 not changed during the time that it is discounted;

14 (B) the period of time during which any drink of
15 alcoholic liquor is discounted does not exceed 4 hours
16 per day and 15 hours per week; however, this period of
17 time is not required to be consecutive and may be
18 divided by the licensee in any manner;

19 (C) the drink of alcoholic liquor is not discounted
20 between the hours of 10:00 p.m. and the licensed
21 premises' closing hour; and

22 (D) notice of the discount of the drink of
23 alcoholic liquor during a specified time is posted on
24 the licensed premises or on the licensee's publicly
25 available website at least 7 days prior to the
26 specified time.

1 (c) ~~(b)~~ A violation of this Section shall be grounds for
2 suspension or revocation of the retailer's license as provided
3 by this Act. The State Commission may not enforce any trade
4 practice policy or other rule that was not adopted in
5 accordance with the Illinois Administrative Procedure Act.

6 (d) ~~(e)~~ All licensees affected by this Section must also
7 comply with Sections 6-16, 6-21, and 6-27.1 of this Act.

8 (Source: P.A. 99-46, eff. 7-15-15; revised 9-13-16.)

9 Section 575. The Illinois Public Aid Code is amended by
10 changing Sections 4-1.7, 5-5, 5-30.1, 10-15.1, 10-17.3,
11 10-17.14, 10-24.50, 11-9, 12-4.42, 16-2, and 16-5 and by
12 setting forth and renumbering multiple versions of Section
13 5-30.3 as follows:

14 (305 ILCS 5/4-1.7) (from Ch. 23, par. 4-1.7)

15 Sec. 4-1.7. Enforcement of Parental Child Support
16 Obligation. If the parent or parents of the child are failing
17 to meet or are delinquent in their legal obligation to support
18 the child, the parent or other person having custody of the
19 child or the Department of Healthcare and Family Services may
20 request the law enforcement officer authorized or directed by
21 law to so act to file an action for the enforcement of such
22 remedies as the law provides for the fulfillment of the child
23 support obligation.

24 If a parent has a judicial remedy against the other parent

1 to compel child support, or if, as the result of an action
2 initiated by or in behalf of one parent against the other, a
3 child support order has been entered in respect to which there
4 is noncompliance or delinquency, or where the order so entered
5 may be changed upon petition to the court to provide additional
6 support, the parent or other person having custody of the child
7 or the Department of Healthcare and Family Services may request
8 the appropriate law enforcement officer to seek enforcement of
9 the remedy, or of the support order, or a change therein to
10 provide additional support. If the law enforcement officer is
11 not authorized by law to so act in these instances, the parent,
12 or if so authorized by law the other person having custody of
13 the child, or the Department of Healthcare and Family Services
14 may initiate an action to enforce these remedies.

15 A parent or other person having custody of the child must
16 comply with the requirements of Title IV of the federal Social
17 Security Act, and the regulations duly promulgated thereunder,
18 and any rules promulgated by the Illinois Department regarding
19 enforcement of the child support obligation. The Department of
20 Healthcare and Family Services and the Department of Human
21 Services may provide by rule for the grant or continuation of
22 aid to the person for a temporary period if he or she accepts
23 counseling or other services designed to increase his or her
24 motivation to seek enforcement of the child support obligation.

25 In addition to any other definition of failure or refusal
26 to comply with the requirements of Title IV of the federal

1 Social Security Act, or Illinois Department rule, in the case
2 of failure to attend court hearings, the parent or other person
3 can show cooperation by attending a court hearing or, if a
4 court hearing cannot be scheduled within 14 days following the
5 court hearing that was missed, by signing a statement that the
6 parent or other person is now willing to cooperate in the child
7 support enforcement process and will appear at any later
8 scheduled court date. The parent or other person can show
9 cooperation by signing such a statement only once. If failure
10 to attend the court hearing or other failure to cooperate
11 results in the case being dismissed, such a statement may be
12 signed after 2 months.

13 No denial or termination of medical assistance pursuant to
14 this Section shall commence during pregnancy of the parent or
15 other person having custody of the child or for 30 days after
16 the termination of such pregnancy. The termination of medical
17 assistance may commence thereafter if the Department of
18 Healthcare and Family Services determines that the failure or
19 refusal to comply with this Section persists. Postponement of
20 denial or termination of medical assistance during pregnancy
21 under this paragraph shall be effective only to the extent it
22 does not conflict with federal law or regulation.

23 Any evidence a parent or other person having custody of the
24 child gives in order to comply with the requirements of this
25 Section shall not render him or her liable to prosecution under
26 Section 11-35 or 11-40 of the Criminal Code of 2012.

1 When so requested, the Department of Healthcare and Family
2 Services and the Department of Human Services shall provide
3 such services and assistance as the law enforcement officer may
4 require in connection with the filing of any action hereunder.

5 The Department of Healthcare and Family Services and the
6 Department of Human Services, as an expense of administration,
7 may also provide applicants for and recipients of aid with such
8 services and assistance, including assumption of the
9 reasonable costs of prosecuting any action or proceeding, as
10 may be necessary to enable them to enforce the child support
11 liability required hereunder.

12 Nothing in this Section shall be construed as a requirement
13 that an applicant or recipient file an action for dissolution
14 of marriage against his or her spouse.

15 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13;
16 revised 9-12-16.)

17 (305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

18 Sec. 5-5. Medical services. The Illinois Department, by
19 rule, shall determine the quantity and quality of and the rate
20 of reimbursement for the medical assistance for which payment
21 will be authorized, and the medical services to be provided,
22 which may include all or part of the following: (1) inpatient
23 hospital services; (2) outpatient hospital services; (3) other
24 laboratory and X-ray services; (4) skilled nursing home
25 services; (5) physicians' services whether furnished in the

1 office, the patient's home, a hospital, a skilled nursing home,
2 or elsewhere; (6) medical care, or any other type of remedial
3 care furnished by licensed practitioners; (7) home health care
4 services; (8) private duty nursing service; (9) clinic
5 services; (10) dental services, including prevention and
6 treatment of periodontal disease and dental caries disease for
7 pregnant women, provided by an individual licensed to practice
8 dentistry or dental surgery; for purposes of this item (10),
9 "dental services" means diagnostic, preventive, or corrective
10 procedures provided by or under the supervision of a dentist in
11 the practice of his or her profession; (11) physical therapy
12 and related services; (12) prescribed drugs, dentures, and
13 prosthetic devices; and eyeglasses prescribed by a physician
14 skilled in the diseases of the eye, or by an optometrist,
15 whichever the person may select; (13) other diagnostic,
16 screening, preventive, and rehabilitative services, including
17 to ensure that the individual's need for intervention or
18 treatment of mental disorders or substance use disorders or
19 co-occurring mental health and substance use disorders is
20 determined using a uniform screening, assessment, and
21 evaluation process inclusive of criteria, for children and
22 adults; for purposes of this item (13), a uniform screening,
23 assessment, and evaluation process refers to a process that
24 includes an appropriate evaluation and, as warranted, a
25 referral; "uniform" does not mean the use of a singular
26 instrument, tool, or process that all must utilize; (14)

1 transportation and such other expenses as may be necessary;
2 (15) medical treatment of sexual assault survivors, as defined
3 in Section 1a of the Sexual Assault Survivors Emergency
4 Treatment Act, for injuries sustained as a result of the sexual
5 assault, including examinations and laboratory tests to
6 discover evidence which may be used in criminal proceedings
7 arising from the sexual assault; (16) the diagnosis and
8 treatment of sickle cell anemia; and (17) any other medical
9 care, and any other type of remedial care recognized under the
10 laws of this State, but not including abortions, or induced
11 miscarriages or premature births, unless, in the opinion of a
12 physician, such procedures are necessary for the preservation
13 of the life of the woman seeking such treatment, or except an
14 induced premature birth intended to produce a live viable child
15 and such procedure is necessary for the health of the mother or
16 her unborn child. The Illinois Department, by rule, shall
17 prohibit any physician from providing medical assistance to
18 anyone eligible therefor under this Code where such physician
19 has been found guilty of performing an abortion procedure in a
20 wilful and wanton manner upon a woman who was not pregnant at
21 the time such abortion procedure was performed. The term "any
22 other type of remedial care" shall include nursing care and
23 nursing home service for persons who rely on treatment by
24 spiritual means alone through prayer for healing.

25 Notwithstanding any other provision of this Section, a
26 comprehensive tobacco use cessation program that includes

1 purchasing prescription drugs or prescription medical devices
2 approved by the Food and Drug Administration shall be covered
3 under the medical assistance program under this Article for
4 persons who are otherwise eligible for assistance under this
5 Article.

6 Notwithstanding any other provision of this Code, the
7 Illinois Department may not require, as a condition of payment
8 for any laboratory test authorized under this Article, that a
9 physician's handwritten signature appear on the laboratory
10 test order form. The Illinois Department may, however, impose
11 other appropriate requirements regarding laboratory test order
12 documentation.

13 Upon receipt of federal approval of an amendment to the
14 Illinois Title XIX State Plan for this purpose, the Department
15 shall authorize the Chicago Public Schools (CPS) to procure a
16 vendor or vendors to manufacture eyeglasses for individuals
17 enrolled in a school within the CPS system. CPS shall ensure
18 that its vendor or vendors are enrolled as providers in the
19 medical assistance program and in any capitated Medicaid
20 managed care entity (MCE) serving individuals enrolled in a
21 school within the CPS system. Under any contract procured under
22 this provision, the vendor or vendors must serve only
23 individuals enrolled in a school within the CPS system. Claims
24 for services provided by CPS's vendor or vendors to recipients
25 of benefits in the medical assistance program under this Code,
26 the Children's Health Insurance Program, or the Covering ALL

1 KIDS Health Insurance Program shall be submitted to the
2 Department or the MCE in which the individual is enrolled for
3 payment and shall be reimbursed at the Department's or the
4 MCE's established rates or rate methodologies for eyeglasses.

5 On and after July 1, 2012, the Department of Healthcare and
6 Family Services may provide the following services to persons
7 eligible for assistance under this Article who are
8 participating in education, training or employment programs
9 operated by the Department of Human Services as successor to
10 the Department of Public Aid:

11 (1) dental services provided by or under the
12 supervision of a dentist; and

13 (2) eyeglasses prescribed by a physician skilled in the
14 diseases of the eye, or by an optometrist, whichever the
15 person may select.

16 Notwithstanding any other provision of this Code and
17 subject to federal approval, the Department may adopt rules to
18 allow a dentist who is volunteering his or her service at no
19 cost to render dental services through an enrolled
20 not-for-profit health clinic without the dentist personally
21 enrolling as a participating provider in the medical assistance
22 program. A not-for-profit health clinic shall include a public
23 health clinic or Federally Qualified Health Center or other
24 enrolled provider, as determined by the Department, through
25 which dental services covered under this Section are performed.
26 The Department shall establish a process for payment of claims

1 for reimbursement for covered dental services rendered under
2 this provision.

3 The Illinois Department, by rule, may distinguish and
4 classify the medical services to be provided only in accordance
5 with the classes of persons designated in Section 5-2.

6 The Department of Healthcare and Family Services must
7 provide coverage and reimbursement for amino acid-based
8 elemental formulas, regardless of delivery method, for the
9 diagnosis and treatment of (i) eosinophilic disorders and (ii)
10 short bowel syndrome when the prescribing physician has issued
11 a written order stating that the amino acid-based elemental
12 formula is medically necessary.

13 The Illinois Department shall authorize the provision of,
14 and shall authorize payment for, screening by low-dose
15 mammography for the presence of occult breast cancer for women
16 35 years of age or older who are eligible for medical
17 assistance under this Article, as follows:

18 (A) A baseline mammogram for women 35 to 39 years of
19 age.

20 (B) An annual mammogram for women 40 years of age or
21 older.

22 (C) A mammogram at the age and intervals considered
23 medically necessary by the woman's health care provider for
24 women under 40 years of age and having a family history of
25 breast cancer, prior personal history of breast cancer,
26 positive genetic testing, or other risk factors.

1 (D) A comprehensive ultrasound screening of an entire
2 breast or breasts if a mammogram demonstrates
3 heterogeneous or dense breast tissue, when medically
4 necessary as determined by a physician licensed to practice
5 medicine in all of its branches.

6 (E) A screening MRI when medically necessary, as
7 determined by a physician licensed to practice medicine in
8 all of its branches.

9 All screenings shall include a physical breast exam,
10 instruction on self-examination and information regarding the
11 frequency of self-examination and its value as a preventative
12 tool. For purposes of this Section, "low-dose mammography"
13 means the x-ray examination of the breast using equipment
14 dedicated specifically for mammography, including the x-ray
15 tube, filter, compression device, and image receptor, with an
16 average radiation exposure delivery of less than one rad per
17 breast for 2 views of an average size breast. The term also
18 includes digital mammography and includes breast
19 tomosynthesis. As used in this Section, the term "breast
20 tomosynthesis" means a radiologic procedure that involves the
21 acquisition of projection images over the stationary breast to
22 produce cross-sectional digital three-dimensional images of
23 the breast. If, at any time, the Secretary of the United States
24 Department of Health and Human Services, or its successor
25 agency, promulgates rules or regulations to be published in the
26 Federal Register or publishes a comment in the Federal Register

1 or issues an opinion, guidance, or other action that would
2 require the State, pursuant to any provision of the Patient
3 Protection and Affordable Care Act (Public Law 111-148),
4 including, but not limited to, 42 U.S.C. 18031(d)(3)(B) or any
5 successor provision, to defray the cost of any coverage for
6 breast tomosynthesis outlined in this paragraph, then the
7 requirement that an insurer cover breast tomosynthesis is
8 inoperative other than any such coverage authorized under
9 Section 1902 of the Social Security Act, 42 U.S.C. 1396a, and
10 the State shall not assume any obligation for the cost of
11 coverage for breast tomosynthesis set forth in this paragraph.

12 On and after January 1, 2016, the Department shall ensure
13 that all networks of care for adult clients of the Department
14 include access to at least one breast imaging Center of Imaging
15 Excellence as certified by the American College of Radiology.

16 On and after January 1, 2012, providers participating in a
17 quality improvement program approved by the Department shall be
18 reimbursed for screening and diagnostic mammography at the same
19 rate as the Medicare program's rates, including the increased
20 reimbursement for digital mammography.

21 The Department shall convene an expert panel including
22 representatives of hospitals, free-standing mammography
23 facilities, and doctors, including radiologists, to establish
24 quality standards for mammography.

25 On and after January 1, 2017, providers participating in a
26 breast cancer treatment quality improvement program approved

1 by the Department shall be reimbursed for breast cancer
2 treatment at a rate that is no lower than 95% of the Medicare
3 program's rates for the data elements included in the breast
4 cancer treatment quality program.

5 The Department shall convene an expert panel, including
6 representatives of hospitals, free standing breast cancer
7 treatment centers, breast cancer quality organizations, and
8 doctors, including breast surgeons, reconstructive breast
9 surgeons, oncologists, and primary care providers to establish
10 quality standards for breast cancer treatment.

11 Subject to federal approval, the Department shall
12 establish a rate methodology for mammography at federally
13 qualified health centers and other encounter-rate clinics.
14 These clinics or centers may also collaborate with other
15 hospital-based mammography facilities. By January 1, 2016, the
16 Department shall report to the General Assembly on the status
17 of the provision set forth in this paragraph.

18 The Department shall establish a methodology to remind
19 women who are age-appropriate for screening mammography, but
20 who have not received a mammogram within the previous 18
21 months, of the importance and benefit of screening mammography.
22 The Department shall work with experts in breast cancer
23 outreach and patient navigation to optimize these reminders and
24 shall establish a methodology for evaluating their
25 effectiveness and modifying the methodology based on the
26 evaluation.

1 The Department shall establish a performance goal for
2 primary care providers with respect to their female patients
3 over age 40 receiving an annual mammogram. This performance
4 goal shall be used to provide additional reimbursement in the
5 form of a quality performance bonus to primary care providers
6 who meet that goal.

7 The Department shall devise a means of case-managing or
8 patient navigation for beneficiaries diagnosed with breast
9 cancer. This program shall initially operate as a pilot program
10 in areas of the State with the highest incidence of mortality
11 related to breast cancer. At least one pilot program site shall
12 be in the metropolitan Chicago area and at least one site shall
13 be outside the metropolitan Chicago area. On or after July 1,
14 2016, the pilot program shall be expanded to include one site
15 in western Illinois, one site in southern Illinois, one site in
16 central Illinois, and 4 sites within metropolitan Chicago. An
17 evaluation of the pilot program shall be carried out measuring
18 health outcomes and cost of care for those served by the pilot
19 program compared to similarly situated patients who are not
20 served by the pilot program.

21 The Department shall require all networks of care to
22 develop a means either internally or by contract with experts
23 in navigation and community outreach to navigate cancer
24 patients to comprehensive care in a timely fashion. The
25 Department shall require all networks of care to include access
26 for patients diagnosed with cancer to at least one academic

1 commission on cancer-accredited cancer program as an
2 in-network covered benefit.

3 Any medical or health care provider shall immediately
4 recommend, to any pregnant woman who is being provided prenatal
5 services and is suspected of drug abuse or is addicted as
6 defined in the Alcoholism and Other Drug Abuse and Dependency
7 Act, referral to a local substance abuse treatment provider
8 licensed by the Department of Human Services or to a licensed
9 hospital which provides substance abuse treatment services.
10 The Department of Healthcare and Family Services shall assure
11 coverage for the cost of treatment of the drug abuse or
12 addiction for pregnant recipients in accordance with the
13 Illinois Medicaid Program in conjunction with the Department of
14 Human Services.

15 All medical providers providing medical assistance to
16 pregnant women under this Code shall receive information from
17 the Department on the availability of services under the Drug
18 Free Families with a Future or any comparable program providing
19 case management services for addicted women, including
20 information on appropriate referrals for other social services
21 that may be needed by addicted women in addition to treatment
22 for addiction.

23 The Illinois Department, in cooperation with the
24 Departments of Human Services (as successor to the Department
25 of Alcoholism and Substance Abuse) and Public Health, through a
26 public awareness campaign, may provide information concerning

1 treatment for alcoholism and drug abuse and addiction, prenatal
2 health care, and other pertinent programs directed at reducing
3 the number of drug-affected infants born to recipients of
4 medical assistance.

5 Neither the Department of Healthcare and Family Services
6 nor the Department of Human Services shall sanction the
7 recipient solely on the basis of her substance abuse.

8 The Illinois Department shall establish such regulations
9 governing the dispensing of health services under this Article
10 as it shall deem appropriate. The Department should seek the
11 advice of formal professional advisory committees appointed by
12 the Director of the Illinois Department for the purpose of
13 providing regular advice on policy and administrative matters,
14 information dissemination and educational activities for
15 medical and health care providers, and consistency in
16 procedures to the Illinois Department.

17 The Illinois Department may develop and contract with
18 Partnerships of medical providers to arrange medical services
19 for persons eligible under Section 5-2 of this Code.
20 Implementation of this Section may be by demonstration projects
21 in certain geographic areas. The Partnership shall be
22 represented by a sponsor organization. The Department, by rule,
23 shall develop qualifications for sponsors of Partnerships.
24 Nothing in this Section shall be construed to require that the
25 sponsor organization be a medical organization.

26 The sponsor must negotiate formal written contracts with

1 medical providers for physician services, inpatient and
2 outpatient hospital care, home health services, treatment for
3 alcoholism and substance abuse, and other services determined
4 necessary by the Illinois Department by rule for delivery by
5 Partnerships. Physician services must include prenatal and
6 obstetrical care. The Illinois Department shall reimburse
7 medical services delivered by Partnership providers to clients
8 in target areas according to provisions of this Article and the
9 Illinois Health Finance Reform Act, except that:

10 (1) Physicians participating in a Partnership and
11 providing certain services, which shall be determined by
12 the Illinois Department, to persons in areas covered by the
13 Partnership may receive an additional surcharge for such
14 services.

15 (2) The Department may elect to consider and negotiate
16 financial incentives to encourage the development of
17 Partnerships and the efficient delivery of medical care.

18 (3) Persons receiving medical services through
19 Partnerships may receive medical and case management
20 services above the level usually offered through the
21 medical assistance program.

22 Medical providers shall be required to meet certain
23 qualifications to participate in Partnerships to ensure the
24 delivery of high quality medical services. These
25 qualifications shall be determined by rule of the Illinois
26 Department and may be higher than qualifications for

1 participation in the medical assistance program. Partnership
2 sponsors may prescribe reasonable additional qualifications
3 for participation by medical providers, only with the prior
4 written approval of the Illinois Department.

5 Nothing in this Section shall limit the free choice of
6 practitioners, hospitals, and other providers of medical
7 services by clients. In order to ensure patient freedom of
8 choice, the Illinois Department shall immediately promulgate
9 all rules and take all other necessary actions so that provided
10 services may be accessed from therapeutically certified
11 optometrists to the full extent of the Illinois Optometric
12 Practice Act of 1987 without discriminating between service
13 providers.

14 The Department shall apply for a waiver from the United
15 States Health Care Financing Administration to allow for the
16 implementation of Partnerships under this Section.

17 The Illinois Department shall require health care
18 providers to maintain records that document the medical care
19 and services provided to recipients of Medical Assistance under
20 this Article. Such records must be retained for a period of not
21 less than 6 years from the date of service or as provided by
22 applicable State law, whichever period is longer, except that
23 if an audit is initiated within the required retention period
24 then the records must be retained until the audit is completed
25 and every exception is resolved. The Illinois Department shall
26 require health care providers to make available, when

1 authorized by the patient, in writing, the medical records in a
2 timely fashion to other health care providers who are treating
3 or serving persons eligible for Medical Assistance under this
4 Article. All dispensers of medical services shall be required
5 to maintain and retain business and professional records
6 sufficient to fully and accurately document the nature, scope,
7 details and receipt of the health care provided to persons
8 eligible for medical assistance under this Code, in accordance
9 with regulations promulgated by the Illinois Department. The
10 rules and regulations shall require that proof of the receipt
11 of prescription drugs, dentures, prosthetic devices and
12 eyeglasses by eligible persons under this Section accompany
13 each claim for reimbursement submitted by the dispenser of such
14 medical services. No such claims for reimbursement shall be
15 approved for payment by the Illinois Department without such
16 proof of receipt, unless the Illinois Department shall have put
17 into effect and shall be operating a system of post-payment
18 audit and review which shall, on a sampling basis, be deemed
19 adequate by the Illinois Department to assure that such drugs,
20 dentures, prosthetic devices and eyeglasses for which payment
21 is being made are actually being received by eligible
22 recipients. Within 90 days after September 16, 1984 (the
23 effective date of Public Act 83-1439), the Illinois Department
24 shall establish a current list of acquisition costs for all
25 prosthetic devices and any other items recognized as medical
26 equipment and supplies reimbursable under this Article and

1 shall update such list on a quarterly basis, except that the
2 acquisition costs of all prescription drugs shall be updated no
3 less frequently than every 30 days as required by Section
4 5-5.12.

5 The rules and regulations of the Illinois Department shall
6 require that a written statement including the required opinion
7 of a physician shall accompany any claim for reimbursement for
8 abortions, or induced miscarriages or premature births. This
9 statement shall indicate what procedures were used in providing
10 such medical services.

11 Notwithstanding any other law to the contrary, the Illinois
12 Department shall, within 365 days after July 22, 2013 (the
13 effective date of Public Act 98-104), establish procedures to
14 permit skilled care facilities licensed under the Nursing Home
15 Care Act to submit monthly billing claims for reimbursement
16 purposes. Following development of these procedures, the
17 Department shall, by July 1, 2016, test the viability of the
18 new system and implement any necessary operational or
19 structural changes to its information technology platforms in
20 order to allow for the direct acceptance and payment of nursing
21 home claims.

22 Notwithstanding any other law to the contrary, the Illinois
23 Department shall, within 365 days after August 15, 2014 (the
24 effective date of Public Act 98-963), establish procedures to
25 permit ID/DD facilities licensed under the ID/DD Community Care
26 Act and MC/DD facilities licensed under the MC/DD Act to submit

1 monthly billing claims for reimbursement purposes. Following
2 development of these procedures, the Department shall have an
3 additional 365 days to test the viability of the new system and
4 to ensure that any necessary operational or structural changes
5 to its information technology platforms are implemented.

6 The Illinois Department shall require all dispensers of
7 medical services, other than an individual practitioner or
8 group of practitioners, desiring to participate in the Medical
9 Assistance program established under this Article to disclose
10 all financial, beneficial, ownership, equity, surety or other
11 interests in any and all firms, corporations, partnerships,
12 associations, business enterprises, joint ventures, agencies,
13 institutions or other legal entities providing any form of
14 health care services in this State under this Article.

15 The Illinois Department may require that all dispensers of
16 medical services desiring to participate in the medical
17 assistance program established under this Article disclose,
18 under such terms and conditions as the Illinois Department may
19 by rule establish, all inquiries from clients and attorneys
20 regarding medical bills paid by the Illinois Department, which
21 inquiries could indicate potential existence of claims or liens
22 for the Illinois Department.

23 Enrollment of a vendor shall be subject to a provisional
24 period and shall be conditional for one year. During the period
25 of conditional enrollment, the Department may terminate the
26 vendor's eligibility to participate in, or may disenroll the

1 vendor from, the medical assistance program without cause.
2 Unless otherwise specified, such termination of eligibility or
3 disenrollment is not subject to the Department's hearing
4 process. However, a disenrolled vendor may reapply without
5 penalty.

6 The Department has the discretion to limit the conditional
7 enrollment period for vendors based upon category of risk of
8 the vendor.

9 Prior to enrollment and during the conditional enrollment
10 period in the medical assistance program, all vendors shall be
11 subject to enhanced oversight, screening, and review based on
12 the risk of fraud, waste, and abuse that is posed by the
13 category of risk of the vendor. The Illinois Department shall
14 establish the procedures for oversight, screening, and review,
15 which may include, but need not be limited to: criminal and
16 financial background checks; fingerprinting; license,
17 certification, and authorization verifications; unscheduled or
18 unannounced site visits; database checks; prepayment audit
19 reviews; audits; payment caps; payment suspensions; and other
20 screening as required by federal or State law.

21 The Department shall define or specify the following: (i)
22 by provider notice, the "category of risk of the vendor" for
23 each type of vendor, which shall take into account the level of
24 screening applicable to a particular category of vendor under
25 federal law and regulations; (ii) by rule or provider notice,
26 the maximum length of the conditional enrollment period for

1 each category of risk of the vendor; and (iii) by rule, the
2 hearing rights, if any, afforded to a vendor in each category
3 of risk of the vendor that is terminated or disenrolled during
4 the conditional enrollment period.

5 To be eligible for payment consideration, a vendor's
6 payment claim or bill, either as an initial claim or as a
7 resubmitted claim following prior rejection, must be received
8 by the Illinois Department, or its fiscal intermediary, no
9 later than 180 days after the latest date on the claim on which
10 medical goods or services were provided, with the following
11 exceptions:

12 (1) In the case of a provider whose enrollment is in
13 process by the Illinois Department, the 180-day period
14 shall not begin until the date on the written notice from
15 the Illinois Department that the provider enrollment is
16 complete.

17 (2) In the case of errors attributable to the Illinois
18 Department or any of its claims processing intermediaries
19 which result in an inability to receive, process, or
20 adjudicate a claim, the 180-day period shall not begin
21 until the provider has been notified of the error.

22 (3) In the case of a provider for whom the Illinois
23 Department initiates the monthly billing process.

24 (4) In the case of a provider operated by a unit of
25 local government with a population exceeding 3,000,000
26 when local government funds finance federal participation

1 for claims payments.

2 For claims for services rendered during a period for which
3 a recipient received retroactive eligibility, claims must be
4 filed within 180 days after the Department determines the
5 applicant is eligible. For claims for which the Illinois
6 Department is not the primary payer, claims must be submitted
7 to the Illinois Department within 180 days after the final
8 adjudication by the primary payer.

9 In the case of long term care facilities, within 5 days of
10 receipt by the facility of required prescreening information,
11 data for new admissions shall be entered into the Medical
12 Electronic Data Interchange (MEDI) or the Recipient
13 Eligibility Verification (REV) System or successor system, and
14 within 15 days of receipt by the facility of required
15 prescreening information, admission documents shall be
16 submitted through MEDI or REV or shall be submitted directly to
17 the Department of Human Services using required admission
18 forms. Effective September 1, 2014, admission documents,
19 including all prescreening information, must be submitted
20 through MEDI or REV. Confirmation numbers assigned to an
21 accepted transaction shall be retained by a facility to verify
22 timely submittal. Once an admission transaction has been
23 completed, all resubmitted claims following prior rejection
24 are subject to receipt no later than 180 days after the
25 admission transaction has been completed.

26 Claims that are not submitted and received in compliance

1 with the foregoing requirements shall not be eligible for
2 payment under the medical assistance program, and the State
3 shall have no liability for payment of those claims.

4 To the extent consistent with applicable information and
5 privacy, security, and disclosure laws, State and federal
6 agencies and departments shall provide the Illinois Department
7 access to confidential and other information and data necessary
8 to perform eligibility and payment verifications and other
9 Illinois Department functions. This includes, but is not
10 limited to: information pertaining to licensure;
11 certification; earnings; immigration status; citizenship; wage
12 reporting; unearned and earned income; pension income;
13 employment; supplemental security income; social security
14 numbers; National Provider Identifier (NPI) numbers; the
15 National Practitioner Data Bank (NPDB); program and agency
16 exclusions; taxpayer identification numbers; tax delinquency;
17 corporate information; and death records.

18 The Illinois Department shall enter into agreements with
19 State agencies and departments, and is authorized to enter into
20 agreements with federal agencies and departments, under which
21 such agencies and departments shall share data necessary for
22 medical assistance program integrity functions and oversight.
23 The Illinois Department shall develop, in cooperation with
24 other State departments and agencies, and in compliance with
25 applicable federal laws and regulations, appropriate and
26 effective methods to share such data. At a minimum, and to the

1 extent necessary to provide data sharing, the Illinois
2 Department shall enter into agreements with State agencies and
3 departments, and is authorized to enter into agreements with
4 federal agencies and departments, including but not limited to:
5 the Secretary of State; the Department of Revenue; the
6 Department of Public Health; the Department of Human Services;
7 and the Department of Financial and Professional Regulation.

8 Beginning in fiscal year 2013, the Illinois Department
9 shall set forth a request for information to identify the
10 benefits of a pre-payment, post-adjudication, and post-edit
11 claims system with the goals of streamlining claims processing
12 and provider reimbursement, reducing the number of pending or
13 rejected claims, and helping to ensure a more transparent
14 adjudication process through the utilization of: (i) provider
15 data verification and provider screening technology; and (ii)
16 clinical code editing; and (iii) pre-pay, pre- or
17 post-adjudicated predictive modeling with an integrated case
18 management system with link analysis. Such a request for
19 information shall not be considered as a request for proposal
20 or as an obligation on the part of the Illinois Department to
21 take any action or acquire any products or services.

22 The Illinois Department shall establish policies,
23 procedures, standards and criteria by rule for the acquisition,
24 repair and replacement of orthotic and prosthetic devices and
25 durable medical equipment. Such rules shall provide, but not be
26 limited to, the following services: (1) immediate repair or

1 replacement of such devices by recipients; and (2) rental,
2 lease, purchase or lease-purchase of durable medical equipment
3 in a cost-effective manner, taking into consideration the
4 recipient's medical prognosis, the extent of the recipient's
5 needs, and the requirements and costs for maintaining such
6 equipment. Subject to prior approval, such rules shall enable a
7 recipient to temporarily acquire and use alternative or
8 substitute devices or equipment pending repairs or
9 replacements of any device or equipment previously authorized
10 for such recipient by the Department. Notwithstanding any
11 provision of Section 5-5f to the contrary, the Department may,
12 by rule, exempt certain replacement wheelchair parts from prior
13 approval and, for wheelchairs, wheelchair parts, wheelchair
14 accessories, and related seating and positioning items,
15 determine the wholesale price by methods other than actual
16 acquisition costs.

17 The Department shall require, by rule, all providers of
18 durable medical equipment to be accredited by an accreditation
19 organization approved by the federal Centers for Medicare and
20 Medicaid Services and recognized by the Department in order to
21 bill the Department for providing durable medical equipment to
22 recipients. No later than 15 months after the effective date of
23 the rule adopted pursuant to this paragraph, all providers must
24 meet the accreditation requirement.

25 The Department shall execute, relative to the nursing home
26 prescreening project, written inter-agency agreements with the

1 Department of Human Services and the Department on Aging, to
2 effect the following: (i) intake procedures and common
3 eligibility criteria for those persons who are receiving
4 non-institutional services; and (ii) the establishment and
5 development of non-institutional services in areas of the State
6 where they are not currently available or are undeveloped; and
7 (iii) notwithstanding any other provision of law, subject to
8 federal approval, on and after July 1, 2012, an increase in the
9 determination of need (DON) scores from 29 to 37 for applicants
10 for institutional and home and community-based long term care;
11 if and only if federal approval is not granted, the Department
12 may, in conjunction with other affected agencies, implement
13 utilization controls or changes in benefit packages to
14 effectuate a similar savings amount for this population; and
15 (iv) no later than July 1, 2013, minimum level of care
16 eligibility criteria for institutional and home and
17 community-based long term care; and (v) no later than October
18 1, 2013, establish procedures to permit long term care
19 providers access to eligibility scores for individuals with an
20 admission date who are seeking or receiving services from the
21 long term care provider. In order to select the minimum level
22 of care eligibility criteria, the Governor shall establish a
23 workgroup that includes affected agency representatives and
24 stakeholders representing the institutional and home and
25 community-based long term care interests. This Section shall
26 not restrict the Department from implementing lower level of

1 care eligibility criteria for community-based services in
2 circumstances where federal approval has been granted.

3 The Illinois Department shall develop and operate, in
4 cooperation with other State Departments and agencies and in
5 compliance with applicable federal laws and regulations,
6 appropriate and effective systems of health care evaluation and
7 programs for monitoring of utilization of health care services
8 and facilities, as it affects persons eligible for medical
9 assistance under this Code.

10 The Illinois Department shall report annually to the
11 General Assembly, no later than the second Friday in April of
12 1979 and each year thereafter, in regard to:

13 (a) actual statistics and trends in utilization of
14 medical services by public aid recipients;

15 (b) actual statistics and trends in the provision of
16 the various medical services by medical vendors;

17 (c) current rate structures and proposed changes in
18 those rate structures for the various medical vendors; and

19 (d) efforts at utilization review and control by the
20 Illinois Department.

21 The period covered by each report shall be the 3 years
22 ending on the June 30 prior to the report. The report shall
23 include suggested legislation for consideration by the General
24 Assembly. The filing of one copy of the report with the
25 Speaker, one copy with the Minority Leader and one copy with
26 the Clerk of the House of Representatives, one copy with the

1 President, one copy with the Minority Leader and one copy with
2 the Secretary of the Senate, one copy with the Legislative
3 Research Unit, and such additional copies with the State
4 Government Report Distribution Center for the General Assembly
5 as is required under paragraph (t) of Section 7 of the State
6 Library Act shall be deemed sufficient to comply with this
7 Section.

8 Rulemaking authority to implement Public Act 95-1045, if
9 any, is conditioned on the rules being adopted in accordance
10 with all provisions of the Illinois Administrative Procedure
11 Act and all rules and procedures of the Joint Committee on
12 Administrative Rules; any purported rule not so adopted, for
13 whatever reason, is unauthorized.

14 On and after July 1, 2012, the Department shall reduce any
15 rate of reimbursement for services or other payments or alter
16 any methodologies authorized by this Code to reduce any rate of
17 reimbursement for services or other payments in accordance with
18 Section 5-5e.

19 Because kidney transplantation can be an appropriate, cost
20 effective alternative to renal dialysis when medically
21 necessary and notwithstanding the provisions of Section 1-11 of
22 this Code, beginning October 1, 2014, the Department shall
23 cover kidney transplantation for noncitizens with end-stage
24 renal disease who are not eligible for comprehensive medical
25 benefits, who meet the residency requirements of Section 5-3 of
26 this Code, and who would otherwise meet the financial

1 requirements of the appropriate class of eligible persons under
2 Section 5-2 of this Code. To qualify for coverage of kidney
3 transplantation, such person must be receiving emergency renal
4 dialysis services covered by the Department. Providers under
5 this Section shall be prior approved and certified by the
6 Department to perform kidney transplantation and the services
7 under this Section shall be limited to services associated with
8 kidney transplantation.

9 Notwithstanding any other provision of this Code to the
10 contrary, on or after July 1, 2015, all FDA approved forms of
11 medication assisted treatment prescribed for the treatment of
12 alcohol dependence or treatment of opioid dependence shall be
13 covered under both fee for service and managed care medical
14 assistance programs for persons who are otherwise eligible for
15 medical assistance under this Article and shall not be subject
16 to any (1) utilization control, other than those established
17 under the American Society of Addiction Medicine patient
18 placement criteria, (2) prior authorization mandate, or (3)
19 lifetime restriction limit mandate.

20 On or after July 1, 2015, opioid antagonists prescribed for
21 the treatment of an opioid overdose, including the medication
22 product, administration devices, and any pharmacy fees related
23 to the dispensing and administration of the opioid antagonist,
24 shall be covered under the medical assistance program for
25 persons who are otherwise eligible for medical assistance under
26 this Article. As used in this Section, "opioid antagonist"

1 means a drug that binds to opioid receptors and blocks or
2 inhibits the effect of opioids acting on those receptors,
3 including, but not limited to, naloxone hydrochloride or any
4 other similarly acting drug approved by the U.S. Food and Drug
5 Administration.

6 Upon federal approval, the Department shall provide
7 coverage and reimbursement for all drugs that are approved for
8 marketing by the federal Food and Drug Administration and that
9 are recommended by the federal Public Health Service or the
10 United States Centers for Disease Control and Prevention for
11 pre-exposure prophylaxis and related pre-exposure prophylaxis
12 services, including, but not limited to, HIV and sexually
13 transmitted infection screening, treatment for sexually
14 transmitted infections, medical monitoring, assorted labs, and
15 counseling to reduce the likelihood of HIV infection among
16 individuals who are not infected with HIV but who are at high
17 risk of HIV infection.

18 (Source: P.A. 98-104, Article 9, Section 9-5, eff. 7-22-13;
19 98-104, Article 12, Section 12-20, eff. 7-22-13; 98-303, eff.
20 8-9-13; 98-463, eff. 8-16-13; 98-651, eff. 6-16-14; 98-756,
21 eff. 7-16-14; 98-963, eff. 8-15-14; 99-78, eff. 7-20-15;
22 99-180, eff. 7-29-15; 99-236, eff. 8-3-15; 99-407 (see Section
23 20 of P.A. 99-588 for the effective date of P.A. 99-407);
24 99-433, eff. 8-21-15; 99-480, eff. 9-9-15; 99-588, eff.
25 7-20-16; 99-642, eff. 7-28-16; 99-772, eff. 1-1-17; 99-895,
26 eff. 1-1-17; revised 9-20-16.)

1 (305 ILCS 5/5-30.1)

2 Sec. 5-30.1. Managed care protections.

3 (a) As used in this Section:

4 "Managed care organization" or "MCO" means any entity which
5 contracts with the Department to provide services where payment
6 for medical services is made on a capitated basis.

7 "Emergency services" include:

8 (1) emergency services, as defined by Section 10 of the
9 Managed Care Reform and Patient Rights Act;

10 (2) emergency medical screening examinations, as
11 defined by Section 10 of the Managed Care Reform and
12 Patient Rights Act;

13 (3) post-stabilization medical services, as defined by
14 Section 10 of the Managed Care Reform and Patient Rights
15 Act; and

16 (4) emergency medical conditions, as defined by
17 Section 10 of the Managed Care Reform and Patient Rights
18 Act.

19 (b) As provided by Section 5-16.12, managed care
20 organizations are subject to the provisions of the Managed Care
21 Reform and Patient Rights Act.

22 (c) An MCO shall pay any provider of emergency services
23 that does not have in effect a contract with the contracted
24 Medicaid MCO. The default rate of reimbursement shall be the
25 rate paid under Illinois Medicaid fee-for-service program

1 methodology, including all policy adjusters, including but not
2 limited to Medicaid High Volume Adjustments, Medicaid
3 Percentage Adjustments, Outpatient High Volume Adjustments,
4 and all outlier add-on adjustments to the extent such
5 adjustments are incorporated in the development of the
6 applicable MCO capitated rates.

7 (d) An MCO shall pay for all post-stabilization services as
8 a covered service in any of the following situations:

9 (1) the MCO authorized such services;

10 (2) such services were administered to maintain the
11 enrollee's stabilized condition within one hour after a
12 request to the MCO for authorization of further
13 post-stabilization services;

14 (3) the MCO did not respond to a request to authorize
15 such services within one hour;

16 (4) the MCO could not be contacted; or

17 (5) the MCO and the treating provider, if the treating
18 provider is a non-affiliated provider, could not reach an
19 agreement concerning the enrollee's care and an affiliated
20 provider was unavailable for a consultation, in which case
21 the MCO must pay for such services rendered by the treating
22 non-affiliated provider until an affiliated provider was
23 reached and either concurred with the treating
24 non-affiliated provider's plan of care or assumed
25 responsibility for the enrollee's care. Such payment shall
26 be made at the default rate of reimbursement paid under

1 Illinois Medicaid fee-for-service program methodology,
2 including all policy adjusters, including but not limited
3 to Medicaid High Volume Adjustments, Medicaid Percentage
4 Adjustments, Outpatient High Volume Adjustments and all
5 outlier add-on adjustments to the extent that such
6 adjustments are incorporated in the development of the
7 applicable MCO capitated rates.

8 (e) The following requirements apply to MCOs in determining
9 payment for all emergency services:

10 (1) MCOs shall not impose any requirements for prior
11 approval of emergency services.

12 (2) The MCO shall cover emergency services provided to
13 enrollees who are temporarily away from their residence and
14 outside the contracting area to the extent that the
15 enrollees would be entitled to the emergency services if
16 they still were within the contracting area.

17 (3) The MCO shall have no obligation to cover medical
18 services provided on an emergency basis that are not
19 covered services under the contract.

20 (4) The MCO shall not condition coverage for emergency
21 services on the treating provider notifying the MCO of the
22 enrollee's screening and treatment within 10 days after
23 presentation for emergency services.

24 (5) The determination of the attending emergency
25 physician, or the provider actually treating the enrollee,
26 of whether an enrollee is sufficiently stabilized for

1 discharge or transfer to another facility, shall be binding
2 on the MCO. The MCO shall cover emergency services for all
3 enrollees whether the emergency services are provided by an
4 affiliated or non-affiliated provider.

5 (6) The MCO's financial responsibility for
6 post-stabilization care services it has not pre-approved
7 ends when:

8 (A) a plan physician with privileges at the
9 treating hospital assumes responsibility for the
10 enrollee's care;

11 (B) a plan physician assumes responsibility for
12 the enrollee's care through transfer;

13 (C) a contracting entity representative and the
14 treating physician reach an agreement concerning the
15 enrollee's care; or

16 (D) the enrollee is discharged.

17 (f) Network adequacy and transparency.

18 (1) The Department shall:

19 (A) ensure that an adequate provider network is in
20 place, taking into consideration health professional
21 shortage areas and medically underserved areas;

22 (B) publicly release an explanation of its process
23 for analyzing network adequacy;

24 (C) periodically ensure that an MCO continues to
25 have an adequate network in place; and

26 (D) require MCOs, including Medicaid Managed Care

1 Entities as defined in Section 5-30.2, to meet provider
2 directory requirements under Section 5-30.3.

3 (2) Each MCO shall confirm its receipt of information
4 submitted specific to physician additions or physician
5 deletions from the MCO's provider network within 3 days
6 after receiving all required information from contracted
7 physicians, and electronic physician directories must be
8 updated consistent with current rules as published by the
9 Centers for Medicare and Medicaid Services or its successor
10 agency.

11 (g) Timely payment of claims.

12 (1) The MCO shall pay a claim within 30 days of
13 receiving a claim that contains all the essential
14 information needed to adjudicate the claim.

15 (2) The MCO shall notify the billing party of its
16 inability to adjudicate a claim within 30 days of receiving
17 that claim.

18 (3) The MCO shall pay a penalty that is at least equal
19 to the penalty imposed under the Illinois Insurance Code
20 for any claims not timely paid.

21 (4) The Department may establish a process for MCOs to
22 expedite payments to providers based on criteria
23 established by the Department.

24 (g-5) Recognizing that the rapid transformation of the
25 Illinois Medicaid program may have unintended operational
26 challenges for both payers and providers:

1 (1) in no instance shall a medically necessary covered
2 service rendered in good faith, based upon eligibility
3 information documented by the provider, be denied coverage
4 or diminished in payment amount if the eligibility or
5 coverage information available at the time the service was
6 rendered is later found to be inaccurate; and

7 (2) the Department shall, by December 31, 2016, adopt
8 rules establishing policies that shall be included in the
9 Medicaid managed care policy and procedures manual
10 addressing payment resolutions in situations in which a
11 provider renders services based upon information obtained
12 after verifying a patient's eligibility and coverage plan
13 through either the Department's current enrollment system
14 or a system operated by the coverage plan identified by the
15 patient presenting for services:

16 (A) such medically necessary covered services
17 shall be considered rendered in good faith;

18 (B) such policies and procedures shall be
19 developed in consultation with industry
20 representatives of the Medicaid managed care health
21 plans and representatives of provider associations
22 representing the majority of providers within the
23 identified provider industry; and

24 (C) such rules shall be published for a review and
25 comment period of no less than 30 days on the
26 Department's website with final rules remaining

1 available on the Department's website.

2 (3) The rules on payment resolutions shall include, but
3 not be limited to:

4 (A) the extension of the timely filing period;

5 (B) retroactive prior authorizations; and

6 (C) guaranteed minimum payment rate of no less than
7 the current, as of the date of service, fee-for-service
8 rate, plus all applicable add-ons, when the resulting
9 service relationship is out of network.

10 (4) The rules shall be applicable for both MCO coverage
11 and fee-for-service coverage.

12 (g-6) MCO Performance Metrics Report.

13 (1) The Department shall publish, on at least a
14 quarterly basis, each MCO's operational performance,
15 including, but not limited to, the following categories of
16 metrics:

17 (A) claims payment, including timeliness and
18 accuracy;

19 (B) prior authorizations;

20 (C) grievance and appeals;

21 (D) utilization statistics;

22 (E) provider disputes;

23 (F) provider credentialing; and

24 (G) member and provider customer service.

25 (2) The Department shall ensure that the metrics report
26 is accessible to providers online by January 1, 2017.

1 (3) The metrics shall be developed in consultation with
2 industry representatives of the Medicaid managed care
3 health plans and representatives of associations
4 representing the majority of providers within the
5 identified industry.

6 (4) Metrics shall be defined and incorporated into the
7 applicable Managed Care Policy Manual issued by the
8 Department.

9 (h) The Department shall not expand mandatory MCO
10 enrollment into new counties beyond those counties already
11 designated by the Department as of June 1, 2014 for the
12 individuals whose eligibility for medical assistance is not the
13 seniors or people with disabilities population until the
14 Department provides an opportunity for accountable care
15 entities and MCOs to participate in such newly designated
16 counties.

17 (i) The requirements of this Section apply to contracts
18 with accountable care entities and MCOs entered into, amended,
19 or renewed after June 16, 2014 (the effective date of Public
20 Act 98-651) ~~this amendatory Act of the 98th General Assembly.~~

21 (Source: P.A. 98-651, eff. 6-16-14; 99-725, eff. 8-5-16;
22 99-751, eff. 8-5-16; revised 9-13-16.)

23 (305 ILCS 5/5-30.3)

24 Sec. 5-30.3. Empowering meaningful patient choice in
25 Medicaid Managed Care.

1 (a) Definitions. As used in this Section:

2 "Client enrollment services broker" means a vendor the
3 Department contracts with to carry out activities related to
4 Medicaid recipients' enrollment, disenrollment, and renewal
5 with Medicaid Managed Care Entities.

6 "Composite domains" means the synthesized categories
7 reflecting the standardized quality performance measures
8 included in the consumer quality comparison tool. At a minimum,
9 these composite domains shall display Medicaid Managed Care
10 Entities' individual Plan performance on standardized quality,
11 timeliness, and access measures.

12 "Consumer quality comparison tool" means an online and
13 paper tool developed by the Department with input from
14 interested stakeholders reflecting the performance of Medicaid
15 Managed Care Entity Plans on standardized quality performance
16 measures. This tool shall be designed in a consumer-friendly
17 and easily understandable format.

18 "Covered services" means those health care services to
19 which a covered person is entitled to under the terms of the
20 Medicaid Managed Care Entity Plan.

21 "Facilities" includes, but is not limited to, federally
22 qualified health centers, skilled nursing facilities, and
23 rehabilitation centers.

24 "Hospitals" includes, but is not limited to, acute care,
25 rehabilitation, children's, and cancer hospitals.

26 "Integrated provider directory" means a searchable

1 database bringing together network data from multiple Medicaid
2 Managed Care Entities that is available through client
3 enrollment services.

4 "Medicaid eligibility redetermination" means the process
5 by which the eligibility of a Medicaid recipient is reviewed by
6 the Department to determine if the recipient's medical benefits
7 will continue, be modified, or terminated.

8 "Medicaid Managed Care Entity" has the same meaning as
9 defined in Section 5-30.2 of this Code.

10 (b) Provider directory transparency.

11 (1) Each Medicaid Managed Care Entity shall:

12 (A) Make available on the entity's website a
13 provider directory in a machine readable file and
14 format.

15 (B) Make provider directories publicly accessible
16 without the necessity of providing a password, a
17 username, or personally identifiable information.

18 (C) Comply with all federal and State statutes and
19 regulations, including 42 CFR 438.10, pertaining to
20 provider directories within Medicaid Managed Care.

21 (D) Request, at least annually, provider office
22 hours for each of the following provider types:

23 (i) Health care professionals, including
24 dental and vision providers.

25 (ii) Hospitals.

26 (iii) Facilities, other than hospitals.

1 (iv) Pharmacies, other than hospitals.

2 (v) Durable medical equipment suppliers, other
3 than hospitals.

4 Medicaid Managed Care Entities shall publish the
5 provider office hours in the provider directory upon
6 receipt.

7 (E) Confirm with the Medicaid Managed Care
8 Entity's contracted providers who have not submitted
9 claims within the past 6 months that the contracted
10 providers intend to remain in the network and correct
11 any incorrect provider directory information as
12 necessary.

13 (F) Ensure that in situations in which a Medicaid
14 Managed Care Entity Plan enrollee receives covered
15 services from a non-participating provider due to a
16 material misrepresentation in a Medicaid Managed Care
17 Entity's online electronic provider directory, the
18 Medicaid Managed Care Entity Plan enrollee shall not be
19 held responsible for any costs resulting from that
20 material misrepresentation.

21 (G) Conspicuously display an e-mail address and a
22 toll-free telephone number to which any individual may
23 report any inaccuracy in the provider directory. If the
24 Medicaid Managed Care Entity receives a report from any
25 person who specifically identifies provider directory
26 information as inaccurate, the Medicaid Managed Care

1 Entity shall investigate the report and correct any
2 inaccurate information displayed in the electronic
3 directory.

4 (2) The Department shall:

5 (A) Regularly monitor Medicaid Managed Care
6 Entities to ensure that they are compliant with the
7 requirements under paragraph (1) of subsection (b).

8 (B) Require that the client enrollment services
9 broker use the Medicaid provider number for all
10 providers with a Medicaid Provider number to populate
11 the provider information in the integrated provider
12 directory.

13 (C) Ensure that each Medicaid Managed Care Entity
14 shall, at minimum, make the information in
15 subparagraph (D) of paragraph (1) of subsection (b)
16 available to the client enrollment services broker.

17 (D) Ensure that the client enrollment services
18 broker shall, at minimum, have the information in
19 subparagraph (D) of paragraph (1) of subsection (b)
20 available and searchable through the integrated
21 provider directory on its website as soon as possible
22 but no later than January 1, 2017.

23 (E) Require the client enrollment services broker
24 to conspicuously display near the integrated provider
25 directory an email address and a toll-free telephone
26 number provided by the Department to which any

1 individual may report inaccuracies in the integrated
2 provider directory. If the Department receives a
3 report that identifies an inaccuracy in the integrated
4 provider directory, the Department shall provide the
5 information about the reported inaccuracy to the
6 appropriate Medicaid Managed Care Entity within 3
7 business days after the reported inaccuracy is
8 received.

9 (c) Formulary transparency.

10 (1) Medicaid Managed Care Entities shall publish on
11 their respective websites a formulary for each Medicaid
12 Managed Care Entity Plan offered and make the formularies
13 easily understandable and publicly accessible without the
14 necessity of providing a password, a username, or
15 personally identifiable information.

16 (2) Medicaid Managed Care Entities shall provide
17 printed formularies upon request.

18 (3) Electronic and print formularies shall display:

19 (A) the medications covered (both generic and name
20 brand);

21 (B) if the medication is preferred or not
22 preferred, and what each term means;

23 (C) what tier each medication is in and the meaning
24 of each tier;

25 (D) any utilization controls including, but not
26 limited to, step therapy, prior approval, dosage

1 limits, gender or age restrictions, quantity limits,
2 or other policies that affect access to medications;

3 (E) any required cost-sharing;

4 (F) a glossary of key terms and explanation of
5 utilization controls and cost-sharing requirements;

6 (G) a key or legend for all utilization controls
7 visible on every page in which specific medication
8 coverage information is displayed; and

9 (H) directions explaining the process or processes
10 a consumer may follow to obtain more information if a
11 medication the consumer requires is not covered or
12 listed in the formulary.

13 (4) Each Medicaid Managed Care Entity shall display
14 conspicuously with each electronic and printed medication
15 formulary an e-mail address and a toll-free telephone
16 number to which any individual may report any inaccuracy in
17 the formulary. If the Medicaid Managed Care Entity receives
18 a report that the formulary information is inaccurate, the
19 Medicaid Managed Care Entity shall investigate the report
20 and correct any inaccurate information displayed in the
21 electronic formulary.

22 (5) Each Medicaid Managed Care Entity shall include a
23 disclosure in the electronic and requested print
24 formularies that provides the date of publication, a
25 statement that the formulary is up to date as of
26 publication, and contact information for questions and

1 requests to receive updated information.

2 (6) The client enrollment services broker's website
3 shall display prominently a website URL link to each
4 Medicaid Managed Care Entity's Plan formulary. If a
5 Medicaid enrollee calls the client enrollment services
6 broker with questions regarding formularies, the client
7 enrollment services broker shall offer a brief description
8 of what a formulary is and shall refer the Medicaid
9 enrollee to the appropriate Medicaid Managed Care Entity
10 regarding his or her questions about a specific entity's
11 formulary.

12 (d) Grievances and appeals. The Department shall display
13 prominently on its website consumer-oriented information
14 describing how a Medicaid enrollee can file a complaint or
15 grievance, request a fair hearing for any adverse action taken
16 by the Department or a Medicaid Managed Care Entity, and access
17 free legal assistance or other assistance made available by the
18 State for Medicaid enrollees to pursue an action.

19 (e) Medicaid redetermination information. The Department
20 shall require the client enrollment services broker to display
21 prominently on the client enrollment services broker's website
22 a description of where a Medicaid enrollee can access
23 information regarding the Medicaid redetermination process.

24 (f) Medicaid care coordination information. The client
25 enrollment services broker shall display prominently on its
26 website, in an easily understandable format, consumer-oriented

1 information regarding the role of care coordination services
2 within Medicaid Managed Care. Such information shall include,
3 but shall not be limited to:

4 (1) a basic description of the role of care
5 coordination services and examples of specific care
6 coordination activities; and

7 (2) how a Medicaid enrollee may request care
8 coordination services from a Medicaid Managed Care Entity.

9 (g) Consumer quality comparison tool.

10 (1) The Department shall create a consumer quality
11 comparison tool to assist Medicaid enrollees with Medicaid
12 Managed Care Entity Plan selection. This tool shall provide
13 Medicaid Managed Care Entities' individual Plan
14 performance on a set of standardized quality performance
15 measures. The Department shall ensure that this tool shall
16 be accessible in both a print and online format, with the
17 online format allowing for individuals to access
18 additional detailed Plan performance information.

19 (2) At a minimum, a printed version of the consumer
20 quality comparison tool shall be provided by the Department
21 on an annual basis to Medicaid enrollees who are required
22 by the Department to enroll in a Medicaid Managed Care
23 Entity Plan during an enrollee's open enrollment period.
24 The consumer quality comparison tool shall also meet all of
25 the following criteria:

26 (A) Display Medicaid Managed Care Entities'

1 individual Plan performance on at least 4 composite
2 domains that reflect Plan quality, timeliness, and
3 access. The composite domains shall draw from the most
4 current available performance data sets including, but
5 not limited to:

6 (i) Healthcare Effectiveness Data and
7 Information Set (HEDIS) measures.

8 (ii) Core Set of Children's Health Care
9 Quality measures as required under the Children's
10 Health Insurance Program Reauthorization Act
11 (CHIPRA).

12 (iii) Adult Core Set measures.

13 (iv) Consumer Assessment of Healthcare
14 Providers and Systems (CAHPS) survey results.

15 (v) Additional performance measures the
16 Department deems appropriate to populate the
17 composite domains.

18 (B) Use a quality rating system developed by the
19 Department to reflect Medicaid Managed Care Entities'
20 individual Plan performance. The quality rating system
21 for each composite domain shall reflect the Medicaid
22 Managed Care Entities' individual Plan performance
23 and, when possible, plan performance relative to
24 national Medicaid percentiles.

25 (C) Be customized to reflect the specific Medicaid
26 Managed Care Entities' Plans available to the Medicaid

1 enrollee based on his or her geographic location and
2 Medicaid eligibility category.

3 (D) Include contact information for the client
4 enrollment services broker and contact information for
5 Medicaid Managed Care Entities available to the
6 Medicaid enrollee based on his or her geographic
7 location and Medicaid eligibility category.

8 (E) Include guiding questions designed to assist
9 individuals selecting a Medicaid Managed Care Entity
10 Plan.

11 (3) At a minimum, the online version of the consumer
12 quality comparison tool shall meet all of the following
13 criteria:

14 (A) Display Medicaid Managed Care Entities'
15 individual Plan performance for the same composite
16 domains selected by the Department in the printed
17 version of the consumer quality comparison tool. The
18 Department may display additional composite domains in
19 the online version of the consumer quality comparison
20 tool as appropriate.

21 (B) Display Medicaid Managed Care Entities'
22 individual Plan performance on each of the
23 standardized performance measures that contribute to
24 each composite domain displayed on the online version
25 of the consumer quality comparison tool.

26 (C) Use a quality rating system developed by the

1 Department to reflect Medicaid Managed Care Entities'
2 individual Plan performance. The quality rating system
3 for each composite domain shall reflect the Medicaid
4 Managed Care Entities' individual Plan performance
5 and, when possible, plan performance relative to
6 national Medicaid percentiles.

7 (D) Include the specific Medicaid Managed Care
8 Entity Plans available to the Medicaid enrollee based
9 on his or her geographic location and Medicaid
10 eligibility category.

11 (E) Include a sort function to view Medicaid
12 Managed Care Entities' individual Plan performance by
13 quality rating and by standardized quality performance
14 measures.

15 (F) Include contact information for the client
16 enrollment services broker and for each Medicaid
17 Managed Care Entity.

18 (G) Include guiding questions designed to assist
19 individuals in selecting a Medicaid Managed Care
20 Entity Plan.

21 (H) Prominently display current notice of quality
22 performance sanctions against Medicaid Managed Care
23 Entities. Notice of the sanctions shall remain present
24 on the online version of the consumer quality
25 comparison tool until the sanctions are lifted.

26 (4) The online version of the consumer quality

1 comparison tool shall be displayed prominently on the
2 client enrollment services broker's website.

3 (5) In the development of the consumer quality
4 comparison tool, the Department shall establish and
5 publicize a formal process to collect and consider written
6 and oral feedback from consumers, advocates, and
7 stakeholders on aspects of the consumer quality comparison
8 tool, including, but not limited to, the following:

9 (A) The standardized data sets and surveys,
10 specific performance measures, and composite domains
11 represented in the consumer quality comparison tool.

12 (B) The format and presentation of the consumer
13 quality comparison tool.

14 (C) The methods undertaken by the Department to
15 notify Medicaid enrollees of the availability of the
16 consumer quality comparison tool.

17 (6) The Department shall review and update as
18 appropriate the composite domains and performance measures
19 represented in the print and online versions of the
20 consumer quality comparison tool at least once every 3
21 years. During the Department's review process, the
22 Department shall solicit engagement in the public feedback
23 process described in paragraph (5).

24 (7) The Department shall ensure that the consumer
25 quality comparison tool is available for consumer use as
26 soon as possible but no later than January 1, 2018.

1 (h) The Department may adopt rules and take any other
2 appropriate action necessary to implement its responsibilities
3 under this Section.

4 (Source: P.A. 99-725, eff. 8-5-16.)

5 (305 ILCS 5/5-30.4)

6 Sec. 5-30.4 ~~5-30.3~~. Provider inquiry portal. The
7 Department shall establish, no later than January 1, 2018, a
8 web-based portal to accept inquiries and requests for
9 assistance from managed care organizations under contract with
10 the State and providers under contract with managed care
11 organizations to provide direct care.

12 (Source: P.A. 99-719, eff. 1-1-17; revised 10-18-16.)

13 (305 ILCS 5/5-30.5)

14 Sec. 5-30.5 ~~5-30.3~~. Managed care; automatic assignment.
15 The Department shall, within a reasonable period of time after
16 relevant data from managed care entities has been collected and
17 analyzed, but no earlier than January 1, 2017, seek input from
18 the managed care entities and other stakeholders and develop
19 and implement within each enrollment region an algorithm
20 preserving existing provider-beneficiary relationships that
21 takes into account quality scores and other operational
22 proficiency criteria developed, defined, and adopted by the
23 Department, to automatically assign Medicaid enrollees served
24 under the Family Health Plan and the Integrated Care Program

1 and those Medicaid enrollees eligible for medical assistance
2 pursuant to the Patient Protection and Affordable Care Act
3 (Public Law 111-148) into managed care entities, including
4 Accountable Care Entities, Managed Care Community Networks,
5 and Managed Care Organizations. The quality metrics used shall
6 be measurable for all entities. The algorithm shall not use the
7 quality and proficiency metrics to reassign enrollees out of
8 any plan in which they are enrolled at the time and shall only
9 be used if the client has not voluntarily selected a primary
10 care physician and a managed care entity or care coordination
11 entity. Clients shall have one opportunity within 90 calendar
12 days after auto-assignment by algorithm to select a different
13 managed care entity. The algorithm developed and implemented
14 shall favor assignment into managed care entities with the
15 highest quality scores and levels of compliance with the
16 operational proficiency criteria established, taking into
17 consideration existing provider-beneficiary relationship as
18 defined by 42 CFR 438.50(f)(3) if one exists.

19 (Source: P.A. 99-898, eff. 1-1-17; revised 10-18-16.)

20 (305 ILCS 5/10-15.1)

21 Sec. 10-15.1. Judicial registration of administrative
22 support orders and administrative paternity orders.

23 (a) A final administrative support order or a final
24 administrative paternity order, excluding a voluntary
25 acknowledgement or denial of paternity that is governed by

1 other provisions of this Code, the Illinois Parentage Act of
2 2015 ~~1984~~, and the Vital Records Act, established by the
3 Illinois Department under this Article X may be registered in
4 the appropriate circuit court of this State by the Department
5 or by a party to the order by filing:

6 (1) Two copies, including one certified copy of the
7 order to be registered, any modification of the
8 administrative support order, any voluntary acknowledgment
9 of paternity pertaining to the child covered by the order,
10 and the documents showing service of the notice of support
11 obligation or the notice of paternity and support
12 obligation that commenced the procedure for establishment
13 of the administrative support order or the administrative
14 paternity order pursuant to Section 10-4 of this Code.

15 (2) A sworn statement by the person requesting
16 registration or a certified copy of the Department payment
17 record showing the amount of any past due support accrued
18 under the administrative support order.

19 (3) The name of the obligor and, if known, the
20 obligor's address and social security number.

21 (4) The name of the obligee and the obligee's address,
22 unless the obligee alleges in an affidavit or pleading
23 under oath that the health, safety, or liberty of the
24 obligee or child would be jeopardized by disclosure of
25 specific identifying information, in which case that
26 information must be sealed and may not be disclosed to the

1 other party or public. After a hearing in which the court
2 takes into consideration the health, safety, or liberty of
3 the party or child, the court may order disclosure of
4 information that the court determines to be in the interest
5 of justice.

6 (b) The filing of an administrative support order or an
7 administrative paternity order under subsection (a)
8 constitutes registration with the circuit court.

9 (c) (Blank).

10 (c-5) Every notice of registration must be accompanied by a
11 copy of the registered administrative support order or the
12 registered administrative paternity order and the documents
13 and relevant information accompanying the order pursuant to
14 subsection (a).

15 (d) (Blank).

16 (d-5) The registering party shall serve notice of the
17 registration on the other party by first class mail, unless the
18 administrative support order or the administrative paternity
19 order was entered by default or the registering party is also
20 seeking an affirmative remedy. The registering party shall
21 serve notice on the Department in all cases by first class
22 mail.

23 (1) If the administrative support order or the
24 administrative paternity order was entered by default
25 against the obligor, the obligor must be served with the
26 registration by any method provided by law for service of

1 summons.

2 (2) If a petition or comparable pleading seeking an
3 affirmative remedy is filed with the registration, the
4 non-moving party must be served with the registration and
5 the affirmative pleading by any method provided by law for
6 service of summons.

7 (e) A notice of registration of an administrative support
8 order or an administrative paternity order must provide the
9 following information:

10 (1) That a registered administrative order is
11 enforceable in the same manner as an order for support or
12 an order for paternity issued by the circuit court.

13 (2) That a hearing to contest enforcement of the
14 registered administrative support order or the registered
15 administrative paternity order must be requested within 30
16 days after the date of service of the notice.

17 (3) That failure to contest, in a timely manner, the
18 enforcement of the registered administrative support order
19 or the registered administrative paternity order shall
20 result in confirmation of the order and enforcement of the
21 order and the alleged arrearages and precludes further
22 contest of that order with respect to any matter that could
23 have been asserted.

24 (4) The amount of any alleged arrearages.

25 (f) A nonregistering party seeking to contest enforcement
26 of a registered administrative support order or a registered

1 administrative paternity order shall request a hearing within
2 30 days after the date of service of notice of the
3 registration. The nonregistering party may seek to vacate the
4 registration, to assert any defense to an allegation of
5 noncompliance with the registered administrative support order
6 or the registered administrative paternity order, or to contest
7 the remedies being sought or the amount of any alleged
8 arrearages.

9 (g) If the nonregistering party fails to contest the
10 enforcement of the registered administrative support order or
11 the registered administrative paternity order in a timely
12 manner, the order shall be confirmed by operation of law.

13 (h) If a nonregistering party requests a hearing to contest
14 the enforcement of the registered administrative support order
15 or the registered administrative paternity order, the circuit
16 court shall schedule the matter for hearing and give notice to
17 the parties and the Illinois Department of the date, time, and
18 place of the hearing.

19 (i) A party contesting the enforcement of a registered
20 administrative support order or a registered administrative
21 paternity order or seeking to vacate the registration has the
22 burden of proving one or more of the following defenses:

23 (1) The Illinois Department lacked personal
24 jurisdiction over the contesting party.

25 (2) The administrative support order or the
26 administrative paternity order was obtained by fraud.

1 (3) The administrative support order or the
2 administrative paternity order has been vacated,
3 suspended, or modified by a later order.

4 (4) The Illinois Department has stayed the
5 administrative support order or the administrative
6 paternity order pending appeal.

7 (5) There is a defense under the law to the remedy
8 sought.

9 (6) Full or partial payment has been made.

10 (j) If a party presents evidence establishing a full or
11 partial payment defense under subsection (i), the court may
12 stay enforcement of the registered order, continue the
13 proceeding to permit production of additional relevant
14 evidence, and issue other appropriate orders. An uncontested
15 portion of the registered administrative support order or the
16 registered administrative paternity order may be enforced by
17 all remedies available under State law.

18 (k) If a contesting party does not establish a defense
19 under subsection (i) to the enforcement of the administrative
20 support order or the administrative paternity order, the court
21 shall issue an order confirming the administrative support
22 order or the administrative paternity order. Confirmation of
23 the registered administrative support order or the registered
24 administrative paternity order, whether by operation of law or
25 after notice and hearing, precludes further contest of the
26 order with respect to any matter that could have been asserted

1 at the time of registration. Upon confirmation, the registered
2 administrative support order or the registered administrative
3 paternity order shall be treated in the same manner as a
4 support order or a paternity order entered by the circuit
5 court, including the ability of the court to entertain a
6 petition to modify the administrative support order due to a
7 substantial change in circumstances or a petition to modify the
8 administrative paternity order due to clear and convincing
9 evidence regarding paternity, or petitions for visitation or
10 custody of the child or children covered by the administrative
11 support order or the administrative paternity order. Nothing in
12 this Section shall be construed to alter the effect of a final
13 administrative support order or a final administrative
14 paternity order, or the restriction of judicial review of such
15 a final order to the provisions of the Administrative Review
16 Law, as provided in Sections 10-11 and 10-17.7 of this Code.

17 (1) Notwithstanding the limitations of relief provided for
18 under this Section regarding an administrative paternity order
19 and the administrative relief available from an administrative
20 paternity order under Sections 10-12 through 10-14.1 of this
21 Code, a party may petition for relief from a registered final
22 administrative paternity order entered by consent of the
23 parties, excluding a voluntary acknowledgement or denial of
24 paternity as well as an administrative paternity order entered
25 pursuant to genetic testing. The petition shall be filed
26 pursuant to Section 2-1401 of the Code of Civil Procedure based

1 upon a showing of due diligence and a meritorious defense. The
2 court, after reviewing the evidence regarding this specific
3 type of administrative paternity order entered by consent of
4 the parties, shall issue an order regarding the petition.
5 Nothing in this Section shall be construed to alter the effect
6 of a final administrative paternity order, or the restriction
7 of judicial review of such a final order to the provisions of
8 the Administrative Review Law, as provided in Section 10-17.7
9 of this Code.

10 (Source: P.A. 98-563, eff. 8-27-13; 99-471, eff. 8-27-15;
11 revised 10-26-16.)

12 (305 ILCS 5/10-17.3) (from Ch. 23, par. 10-17.3)

13 Sec. 10-17.3. Federal Income Tax Refund Intercept. The
14 Illinois Department may provide by rule for certification to
15 the United States Department of Health and Human Services of
16 past due support owed by responsible relatives under a support
17 order entered by a court or administrative body of this or any
18 other State on behalf of resident or non-resident persons. The
19 purpose of certification shall be to intercept Federal Income
20 Tax refunds due such relatives in order to satisfy such past
21 due support in whole or in part.

22 The rule shall provide for notice to and an opportunity to
23 be heard by the responsible relative affected and any final
24 administrative decision rendered by the Department shall be
25 reviewed only under and in accordance with the Administrative

1 Review Law. Certification shall be accomplished in accordance
2 with Title IV, Part D of the federal Social Security Act and
3 rules and regulations promulgated thereunder.

4 (Source: P.A. 84-758; revised 9-13-16.)

5 (305 ILCS 5/10-17.14)

6 Sec. 10-17.14. Denial of passports. The Illinois
7 Department may provide by rule for certification to the United
8 States Department of Health and Human Services of past due
9 support owed by responsible relatives under a support order
10 entered by a court or administrative body of this or any other
11 State on behalf of resident or non-resident persons. The
12 purpose of certification shall be to effect denial, revocation,
13 restriction, or limitation of passports of responsible
14 relatives owing past due support.

15 The rule shall provide for notice to and an opportunity to
16 be heard by the responsible relative affected and any final
17 administrative decision rendered by the Department shall be
18 reviewed only under and in accordance with the Administrative
19 Review Law. Certification shall be accomplished in accordance
20 with Title IV, Part D of the federal Social Security Act and
21 rules and regulations promulgated thereunder.

22 (Source: P.A. 97-186, eff. 7-22-11; revised 9-13-16.)

23 (305 ILCS 5/10-24.50)

24 Sec. 10-24.50. Financial institution's freedom from

1 liability. A financial institution that provides information
2 under Sections 10-24 through 10-24.50 shall not be liable to
3 any account holder, owner, or other person in any civil,
4 criminal, or administrative action for any of the following:

5 (1) Disclosing the required information to the
6 Illinois Department, any other provisions of the law
7 notwithstanding ~~notwithstanding~~.

8 (2) Holding, encumbering, or surrendering any of an
9 individual's accounts as defined in Section 10-24 in
10 response to a lien or order to withhold and deliver issued
11 by:

12 (A) the Illinois Department under Sections 10-25
13 and 10-25.5; or

14 (B) a person or entity acting on behalf of the
15 Illinois Department.

16 (3) Any other action taken or omission made in good
17 faith to comply with Sections 10-24 through 10-24.50,
18 including individual or mechanical errors, provided that
19 the action or omission does not constitute gross negligence
20 or willful misconduct.

21 (Source: P.A. 95-331, eff. 8-21-07; revised 9-13-16.)

22 (305 ILCS 5/11-9) (from Ch. 23, par. 11-9)

23 Sec. 11-9. Protection of records; exceptions ~~records~~
24 ~~Exceptions~~. For the protection of applicants and recipients,
25 the Illinois Department, the county departments and local

1 governmental units and their respective officers and employees
2 are prohibited, except as hereinafter provided, from
3 disclosing the contents of any records, files, papers and
4 communications, except for purposes directly connected with
5 the administration of public aid under this Code.

6 In any judicial proceeding, except a proceeding directly
7 concerned with the administration of programs provided for in
8 this Code, such records, files, papers and communications, and
9 their contents shall be deemed privileged communications and
10 shall be disclosed only upon the order of the court, where the
11 court finds such to be necessary in the interest of justice.

12 The Illinois Department shall establish and enforce
13 reasonable rules and regulations governing the custody, use and
14 preservation of the records, papers, files, and communications
15 of the Illinois Department, the county departments and local
16 governmental units receiving State or Federal funds or aid. The
17 governing body of other local governmental units shall in like
18 manner establish and enforce rules and regulations governing
19 the same matters.

20 The contents of case files pertaining to recipients under
21 Articles IV, V, and VI shall be made available without subpoena
22 or formal notice to the officers of any court, to all law
23 enforcement ~~enforcing~~ agencies, and to such other persons or
24 agencies as from time to time may be authorized by any court.
25 In particular, the contents of those case files shall be made
26 available upon request to a law enforcement agency for the

1 purpose of determining the current address of a recipient with
2 respect to whom an arrest warrant is outstanding, and the
3 current address of a recipient who was a victim of a felony or
4 a witness to a felony shall be made available upon request to a
5 State's Attorney of this State or a State's Attorney's
6 investigator. Information shall also be disclosed to the
7 Illinois State Scholarship Commission pursuant to an
8 investigation or audit by the Illinois State Scholarship
9 Commission of a delinquent student loan or monetary award.

10 This Section does not prevent the Illinois Department and
11 local governmental units from reporting to appropriate law
12 enforcement officials the desertion or abandonment by a parent
13 of a child, as a result of which financial aid has been
14 necessitated under Articles IV, V, or VI, or reporting to
15 appropriate law enforcement officials instances in which a
16 mother under age 18 has a child out of wedlock and is an
17 applicant for or recipient of aid under any Article of this
18 Code. The Illinois Department may provide by rule for the
19 county departments and local governmental units to initiate
20 proceedings under the Juvenile Court Act of 1987 to have
21 children declared to be neglected when they deem such action
22 necessary to protect the children from immoral influences
23 present in their home or surroundings.

24 This Section does not preclude the full exercise of the
25 powers of the Board of Public Aid Commissioners to inspect
26 records and documents, as provided for all advisory boards

1 pursuant to Section 5-505 of the Departments of State
2 Government Law (20 ILCS 5/5-505).

3 This Section does not preclude exchanges of information
4 among the Department of Healthcare and Family Services
5 (formerly Illinois Department of Public Aid), the Department of
6 Human Services (as successor to the Department of Public Aid),
7 and the Illinois Department of Revenue for the purpose of
8 verifying sources and amounts of income and for other purposes
9 directly connected with the administration of this Code and of
10 the Illinois Income Tax Act.

11 The provisions of this Section and of Section 11-11 as they
12 apply to applicants and recipients of public aid under Article
13 V shall be operative only to the extent that they do not
14 conflict with any Federal law or regulation governing Federal
15 grants to this State for such programs.

16 The Department of Healthcare and Family Services and the
17 Department of Human Services (as successor to the Illinois
18 Department of Public Aid) shall enter into an inter-agency
19 agreement with the Department of Children and Family Services
20 to establish a procedure by which employees of the Department
21 of Children and Family Services may have immediate access to
22 records, files, papers, and communications (except medical,
23 alcohol or drug assessment or treatment, mental health, or any
24 other medical records) of the Illinois Department, county
25 departments, and local governmental units receiving State or
26 federal funds or aid, if the Department of Children and Family

1 Services determines the information is necessary to perform its
2 duties under the Abused and Neglected Child Reporting Act, the
3 Child Care Act of 1969, and the Children and Family Services
4 Act.

5 (Source: P.A. 95-331, eff. 8-21-07; revised 9-13-16.)

6 (305 ILCS 5/12-4.42)

7 Sec. 12-4.42. Medicaid Revenue Maximization.

8 (a) Purpose. The General Assembly finds that there is a
9 need to make changes to the administration of services provided
10 by State and local governments in order to maximize federal
11 financial participation.

12 (b) Definitions. As used in this Section:

13 "Community Medicaid mental health services" means all
14 mental health services outlined in Part Section 132 of Title 59
15 of the Illinois Administrative Code that are funded through
16 DHS, eligible for federal financial participation, and
17 provided by a community-based provider.

18 "Community-based provider" means an entity enrolled as a
19 provider pursuant to Sections 140.11 and 140.12 of Title 89 of
20 the Illinois Administrative Code and certified to provide
21 community Medicaid mental health services in accordance with
22 Part Section 132 of Title 59 of the Illinois Administrative
23 Code.

24 "DCFS" means the Department of Children and Family
25 Services.

1 "Department" means the Illinois Department of Healthcare
2 and Family Services.

3 "Care facility for persons with a developmental
4 disability" means an intermediate care facility for persons
5 with an intellectual disability within the meaning of Title XIX
6 of the Social Security Act, whether public or private and
7 whether organized for profit or not-for-profit, but shall not
8 include any facility operated by the State.

9 "Care provider for persons with a developmental
10 disability" means a person conducting, operating, or
11 maintaining a care facility for persons with a developmental
12 disability. For purposes of this definition, "person" means any
13 political subdivision of the State, municipal corporation,
14 individual, firm, partnership, corporation, company, limited
15 liability company, association, joint stock association, or
16 trust, or a receiver, executor, trustee, guardian, or other
17 representative appointed by order of any court.

18 "DHS" means the Illinois Department of Human Services.

19 "Hospital" means an institution, place, building, or
20 agency located in this State that is licensed as a general
21 acute hospital by the Illinois Department of Public Health
22 under the Hospital Licensing Act, whether public or private and
23 whether organized for profit or not-for-profit.

24 "Long term care facility" means (i) a skilled nursing or
25 intermediate long term care facility, whether public or private
26 and whether organized for profit or not-for-profit, that is

1 subject to licensure by the Illinois Department of Public
2 Health under the Nursing Home Care Act, including a county
3 nursing home directed and maintained under Section 5-1005 of
4 the Counties Code, and (ii) a part of a hospital in which
5 skilled or intermediate long term care services within the
6 meaning of Title XVIII or XIX of the Social Security Act are
7 provided; except that the term "long term care facility" does
8 not include a facility operated solely as an intermediate care
9 facility for the intellectually disabled within the meaning of
10 Title XIX of the Social Security Act.

11 "Long term care provider" means (i) a person licensed by
12 the Department of Public Health to operate and maintain a
13 skilled nursing or intermediate long term care facility or (ii)
14 a hospital provider that provides skilled or intermediate long
15 term care services within the meaning of Title XVIII or XIX of
16 the Social Security Act. For purposes of this definition,
17 "person" means any political subdivision of the State,
18 municipal corporation, individual, firm, partnership,
19 corporation, company, limited liability company, association,
20 joint stock association, or trust, or a receiver, executor,
21 trustee, guardian, or other representative appointed by order
22 of any court.

23 "State-operated facility for persons with a developmental
24 disability" means an intermediate care facility for persons
25 with an intellectual disability within the meaning of Title XIX
26 of the Social Security Act operated by the State.

1 (c) Administration and deposit of Revenues. The Department
2 shall coordinate the implementation of changes required by
3 Public Act 96-1405 ~~this amendatory Act of the 96th General~~
4 ~~Assembly~~ amongst the various State and local government bodies
5 that administer programs referred to in this Section.

6 Revenues generated by program changes mandated by any
7 provision in this Section, less reasonable administrative
8 costs associated with the implementation of these program
9 changes, which would otherwise be deposited into the General
10 Revenue Fund shall be deposited into the Healthcare Provider
11 Relief Fund.

12 The Department shall issue a report to the General Assembly
13 detailing the implementation progress of Public Act 96-1405
14 ~~this amendatory Act of the 96th General Assembly~~ as a part of
15 the Department's Medical Programs annual report for fiscal
16 years 2010 and 2011.

17 (d) Acceleration of payment vouchers. To the extent
18 practicable and permissible under federal law, the Department
19 shall create all vouchers for long term care facilities and
20 facilities for persons with a developmental disability for
21 dates of service in the month in which the enhanced federal
22 medical assistance percentage (FMAP) originally set forth in
23 the American Recovery and Reinvestment Act (ARRA) expires and
24 for dates of service in the month prior to that month and
25 shall, no later than the 15th of the month in which the
26 enhanced FMAP expires, submit these vouchers to the Comptroller

1 for payment.

2 The Department of Human Services shall create the necessary
3 documentation for State-operated facilities for persons with a
4 developmental disability so that the necessary data for all
5 dates of service before the expiration of the enhanced FMAP
6 originally set forth in the ARRA can be adjudicated by the
7 Department no later than the 15th of the month in which the
8 enhanced FMAP expires.

9 (e) Billing of DHS community Medicaid mental health
10 services. No later than July 1, 2011, community Medicaid mental
11 health services provided by a community-based provider must be
12 billed directly to the Department.

13 (f) DCFS Medicaid services. The Department shall work with
14 DCFS to identify existing programs, pending qualifying
15 services, that can be converted in an economically feasible
16 manner to Medicaid in order to secure federal financial
17 revenue.

18 (g) Third Party Liability recoveries. The Department shall
19 contract with a vendor to support the Department in
20 coordinating benefits for Medicaid enrollees. The scope of work
21 shall include, at a minimum, the identification of other
22 insurance for Medicaid enrollees and the recovery of funds paid
23 by the Department when another payer was liable. The vendor may
24 be paid a percentage of actual cash recovered when practical
25 and subject to federal law.

26 (h) Public health departments. The Department shall

1 identify unreimbursed costs for persons covered by Medicaid who
2 are served by the Chicago Department of Public Health.

3 The Department shall assist the Chicago Department of
4 Public Health in determining total unreimbursed costs
5 associated with the provision of healthcare services to
6 Medicaid enrollees.

7 The Department shall determine and draw the maximum
8 allowable federal matching dollars associated with the cost of
9 Chicago Department of Public Health services provided to
10 Medicaid enrollees.

11 (i) Acceleration of hospital-based payments. The
12 Department shall, by the 10th day of the month in which the
13 enhanced FMAP originally set forth in the ARRA expires, create
14 vouchers for all State fiscal year 2011 hospital payments
15 exempt from the prompt payment requirements of the ARRA. The
16 Department shall submit these vouchers to the Comptroller for
17 payment.

18 (Source: P.A. 99-143, eff. 7-27-15; revised 9-15-16.)

19 (305 ILCS 5/16-2)

20 Sec. 16-2. Eligibility. A foreign-born victim of
21 trafficking, torture, or other serious crimes and his or her
22 derivative family members are eligible for cash assistance or
23 SNAP benefits under this Article if:

24 (a) he or she:

25 (1) has filed or is preparing to file an

1 application for T Nonimmigrant status with the
2 appropriate federal agency pursuant to Section
3 1101(a)(15)(T) of Title 8 of the United States Code, or
4 is otherwise taking steps to meet the conditions for
5 federal benefits eligibility under Section 7105 of
6 Title 22 of the United States Code;

7 (2) has filed or is preparing to file a formal
8 application with the appropriate federal agency for
9 status pursuant to Section 1101(a)(15)(U) of Title 8 of
10 the United States Code; or

11 (3) has filed or is preparing to file a formal
12 application with the appropriate federal agency for
13 status under Section 1158 of Title 8 of the United
14 States Code; and

15 (b) he or she is otherwise eligible for cash assistance or
16 SNAP benefits, as applicable.

17 (Source: P.A. 99-870, eff. 8-22-16; revised 10-26-16.)

18 (305 ILCS 5/16-5)

19 Sec. 16-5. Termination of benefits.

20 (a) Any cash assistance or SNAP benefits provided under
21 this Article to a person who is a foreign-born victim of
22 trafficking, torture, or other serious crimes and his or her
23 derivative family members shall be terminated if there is a
24 final denial of that person's visa or asylum application under
25 Section ~~Sections~~ 1101(a)(15)(T), 1101(a)(15)(U), or 1158 of

1 Title 8 of the United States Code.

2 (b) A person who is a foreign-born victim of trafficking,
3 torture, or other serious crimes and his or her derivative
4 family members shall be ineligible for continued State-funded
5 cash assistance or SNAP benefits provided under this Article if
6 that person has not filed a formal application for status
7 pursuant to Section ~~Sections~~ 1101(a)(15)(T), 1101(a)(15)(U),
8 or 1158 of Title 8 of the United States Code within one year
9 after the date of his or her application for cash assistance or
10 SNAP benefits provided under this Article. The Department of
11 Human Services may extend the person's and his or her
12 derivative family members' eligibility for medical assistance,
13 cash assistance, or SNAP benefits beyond one year if the
14 Department determines that the person, during the year of
15 initial eligibility (i) experienced a health crisis, (ii) has
16 been unable, after reasonable attempts, to obtain necessary
17 information from a third party, or (iii) has other extenuating
18 circumstances that prevented the person from completing his or
19 her application for status.

20 (Source: P.A. 99-870, eff. 8-22-16; revised 10-26-16.)

21 Section 580. The Senior Citizens and Persons with
22 Disabilities Property Tax Relief Act is amended by changing
23 Section 8a as follows:

24 (320 ILCS 25/8a) (from Ch. 67 1/2, par. 408.1)

1 Sec. 8a. Confidentiality.

2 (a) Except as otherwise provided in this Act, all
3 information received by the Department of Revenue or its
4 successors, the Department on Aging and the Department of
5 Healthcare and Family Services, from claims filed under this
6 Act, or from any investigation conducted under the provisions
7 of this Act, shall be confidential, except for official
8 purposes within those Departments or pursuant to official
9 procedures for collection of any State tax or enforcement of
10 any civil or criminal penalty or sanction imposed by this Act
11 or by any statute imposing a State tax, and any person who
12 divulges any such information in any manner, except for such
13 purposes and pursuant to order of the Director of one of those
14 Departments or in accordance with a proper judicial order,
15 shall be guilty of a Class A misdemeanor.

16 (b) Nothing contained in this Act shall prevent the
17 Director of Aging from publishing or making available
18 reasonable statistics concerning the operation of the grant
19 programs contained in this Act wherein the contents of claims
20 are grouped into aggregates in such a way that information
21 contained in any individual claim shall not be disclosed.

22 (c) The Department on Aging shall furnish to the Secretary
23 of State such information as is reasonably necessary for the
24 administration of reduced vehicle registration fees pursuant
25 to Section 3-806.3 of the ~~"The~~ Illinois Vehicle Code".

26 (d) The Director of the Department on Aging shall make

1 information available to the State Board of Elections as may be
2 required by an agreement the State Board of Elections has
3 entered into with a multi-state voter registration list
4 maintenance system.

5 (Source: P.A. 98-1171, eff. 6-1-15; revised 10-26-16.)

6 Section 585. The Housing for Veterans with Disabilities Act
7 is amended by changing Sections 1, 2.1, and 3 as follows:

8 (330 ILCS 65/1) (from Ch. 126 1/2, par. 58)

9 Sec. 1. Any veteran of the military or naval service of the
10 United States who was a resident of this State at the time he
11 entered such service and who has been approved by the
12 Administrator of Veterans ~~Veterans~~ Affairs for assistance
13 under Chapter 21 of Title 38, United States Code, as now or
14 hereafter amended, shall be entitled to receive assistance
15 under this Act for the purpose of acquiring within this State
16 or without this State, where due to service-connected
17 disabilities and upon the advice or recommendation of a duly
18 recognized physician of the Veterans Administration in order to
19 protect the health of the veteran, such veteran cannot reside
20 in this State, a suitable dwelling unit with special fixtures
21 or movable facilities made necessary by the veteran's permanent
22 and total service-connected disability.

23 (Source: Laws 1965, p. 650; revised 9-13-16.)

1 (330 ILCS 65/2.1) (from Ch. 126 1/2, par. 59.1)

2 Sec. 2.1. (a) The Illinois Department of Veterans' Affairs
3 shall provide assistance to a veteran who is eligible for and
4 has been approved by the Administrator of Veterans ~~Veterans'~~
5 Affairs for the grant authorized under Section 801(b) of Title
6 38 of The United States Code for remodeling a dwelling, which
7 is not adapted to the requirements of the veteran's disability,
8 and which was acquired by him prior to his application for
9 federal assistance.

10 (b) The amount of State assistance provided to a veteran
11 under subsection (a) of this Section shall be equal to the
12 lesser of (1) the difference between the total cost of
13 remodeling and the amount of assistance provided by the federal
14 government under Title 38, Section 801(b) of the United States
15 Code or (2) \$3,000. However, if the amount of the federal
16 assistance is at least equal to the total cost of remodeling
17 the dwelling, then no State assistance shall be granted under
18 this Section.

19 (c) A veteran eligible for assistance under subsection (a)
20 of this Section shall not by reason of such eligibility be
21 denied benefits for which such veteran becomes eligible under
22 Section 2 of this Act.

23 (Source: P.A. 91-216, eff. 1-1-00; revised 9-13-16.)

24 (330 ILCS 65/3) (from Ch. 126 1/2, par. 60)

25 Sec. 3. Application for assistance under this Act shall be

1 made by the veteran to the Illinois Department of Veterans'
2 Affairs and shall be accompanied by satisfactory evidence that
3 the veteran has been approved by the Administrator of Veterans
4 ~~Veterans~~ Affairs for assistance in acquiring a suitable
5 dwelling unit or in remodeling a dwelling not adapted to the
6 requirements of his disability. The application shall contain
7 such information as will enable the Illinois Department of
8 Veterans' Affairs to determine the amount of assistance to
9 which the veteran is entitled. The Illinois Department of
10 Veterans' Affairs shall adopt general rules for determining the
11 question of whether an applicant was a resident of this State
12 at the time he entered the service, and shall prescribe by rule
13 the nature of the proof to be submitted to establish the fact
14 of residence. The Illinois Department of Veterans' Affairs
15 shall adopt guidelines for determining types of remodeling and
16 adaptations which are reasonably necessary because of a
17 veteran's disability, for a veteran eligible for assistance
18 under Section 2.1 of this Act.

19 (Source: P.A. 82-894; revised 9-13-16.)

20 Section 590. The Coal Mine Medical Emergencies Act is
21 amended by changing Section 2 as follows:

22 (410 ILCS 15/2) (from Ch. 96 1/2, par. 3952)

23 Sec. 2. As used in this Act, unless the context clearly
24 otherwise requires:

1 (a) "Emergency medical technician" means a person who has
2 successfully completed the course on emergency first-aid care
3 and transportation of the sick and injured recommended by the
4 American Academy of Orthopedic Surgeons, or the equivalent
5 thereof, and has been licensed by the Department of Public
6 Health to provide emergency care.

7 (b) "Mine" means any surface coal mine or underground coal
8 mine, as defined in Section 1.03 of the ~~"The Coal Mining Act of~~
9 ~~1953"~~.

10 (Source: P.A. 98-973, eff. 8-15-14; revised 10-5-16.)

11 Section 595. The Sexual Assault Survivors Emergency
12 Treatment Act is amended by changing Section 6.6 as follows:

13 (410 ILCS 70/6.6)

14 Sec. 6.6. Submission of sexual assault evidence.

15 (a) As soon as practicable, but in no event more than 4
16 hours after the completion of hospital emergency services and
17 forensic services, the hospital shall make reasonable efforts
18 to determine the law enforcement agency having jurisdiction
19 where the sexual assault occurred. The hospital may obtain the
20 name of the law enforcement agency with jurisdiction from the
21 local law enforcement agency.

22 (b) Within 4 hours after the completion of hospital
23 emergency services and forensic services, the hospital shall
24 notify the law enforcement agency having jurisdiction that the

1 hospital is in possession of sexual assault evidence and the
2 date and time the collection of evidence was completed. The
3 hospital shall document the notification in the patient's
4 medical records and shall include the agency notified, the date
5 and time of the notification and the name of the person who
6 received the notification. This notification to the law
7 enforcement agency having jurisdiction satisfies the
8 hospital's requirement to contact its local law enforcement
9 agency under Section 3.2 of the Criminal Identification Act.

10 (c) If the law enforcement agency having jurisdiction has
11 not taken physical custody of sexual assault evidence within 5
12 days of the first contact by the hospital, the hospital shall
13 renotify ~~re-notify~~ the law enforcement agency having
14 jurisdiction that the hospital is in possession of sexual
15 assault evidence and the date the sexual assault evidence was
16 collected. The hospital shall document the renotification
17 ~~re-notification~~ in the patient's medical records and shall
18 include the agency notified, the date and time of the
19 notification and the name of the person who received the
20 notification.

21 (d) If the law enforcement agency having jurisdiction has
22 not taken physical custody of the sexual assault evidence
23 within 10 days of the first contact by the hospital and the
24 hospital has provided renotification under subsection (c) of
25 this Section, the hospital shall contact the State's Attorney
26 of the county where the law enforcement agency having

1 jurisdiction is located. The hospital shall inform the State's
2 Attorney that the hospital is in possession of sexual assault
3 evidence, the date the sexual assault evidence was collected,
4 the law enforcement agency having jurisdiction, the dates,
5 times and names of persons notified under subsections (b) and
6 (c) of this Section. The notification shall be made within 14
7 days of the collection of the sexual assault evidence.

8 (Source: P.A. 99-801, eff. 1-1-17; revised 10-26-16.)

9 Section 600. The Compassionate Use of Medical Cannabis
10 Pilot Program Act is amended by changing Section 45 as follows:

11 (410 ILCS 130/45)

12 (Section scheduled to be repealed on July 1, 2020)

13 Sec. 45. Addition of debilitating medical conditions.

14 (a) Any resident may petition the Department of Public
15 Health to add debilitating conditions or treatments to the list
16 of debilitating medical conditions listed in subsection (h) of
17 Section 10. The Department shall approve or deny a petition
18 within 180 days of its submission, and, upon approval, shall
19 proceed to add that condition by rule in accordance with the
20 Illinois Administrative Procedure Act. The approval or denial
21 of any petition is a final decision of the Department, subject
22 to judicial review. Jurisdiction and venue are vested in the
23 Circuit Court.

24 (b) The Department shall accept petitions once annually for

1 a one-month period determined by the Department. During the
2 open period, the Department shall accept petitions from any
3 resident requesting the addition of a new debilitating medical
4 condition or disease to the list of approved debilitating
5 medical conditions for which the use of cannabis has been shown
6 to have a therapeutic or palliative effect. The Department
7 shall provide public notice 30 days before the open period for
8 accepting petitions, which shall describe the time period for
9 submission, the required format of the submission, and the
10 submission address.

11 (c) Each petition shall be limited to one proposed
12 debilitating medical condition or disease.

13 (d) A petitioner shall file one original petition in the
14 format provided by the Department and in the manner specified
15 by the Department. For a petition to be processed and reviewed,
16 the following information shall be included:

17 (1) The petition, prepared on forms provided by the
18 Department, in the manner specified by the Department.

19 (2) A specific description of the medical condition or
20 disease that is the subject of the petition. Each petition
21 shall be limited to a single condition or disease.
22 Information about the proposed condition or disease shall
23 include:

24 (A) the extent to which the condition or disease
25 itself or the treatments cause severe suffering, such
26 as severe or chronic pain, severe nausea or vomiting,

1 or otherwise severely impair a person's ability to
2 conduct activities of daily living;

3 (B) information about why conventional medical
4 therapies are not sufficient to alleviate the
5 suffering caused by the disease or condition and its
6 treatment;

7 (C) the proposed benefits from the medical use of
8 cannabis specific to the medical condition or disease;

9 (D) evidence from the medical community and other
10 experts supporting the use of medical cannabis to
11 alleviate suffering caused by the condition, disease,
12 or treatment;

13 (E) letters of support from physicians or other
14 licensed health care providers knowledgeable about the
15 condition or disease, including, if feasible, a letter
16 from a physician with whom the petitioner has a bona
17 fide physician-patient relationship;

18 (F) any additional medical, testimonial, or
19 scientific documentation; and

20 (G) an electronic copy of all materials submitted.

21 (3) Upon receipt of a petition, the Department shall:

22 (A) determine whether the petition meets the
23 standards for submission and, if so, shall accept the
24 petition for further review; or

25 (B) determine whether the petition does not meet
26 the standards for submission and, if so, shall deny the

1 petition without further review.

2 (4) If the petition does not fulfill the standards for
3 submission, the petition shall be considered deficient.
4 The Department shall notify the petitioner, who may correct
5 any deficiencies and resubmit the petition during the next
6 open period.

7 (e) The petitioner may withdraw his or her petition by
8 submitting a written statement to the Department indicating
9 withdrawal.

10 (f) Upon review of accepted petitions, the Director shall
11 render a final decision regarding the acceptance or denial of
12 the proposed debilitating medical conditions or diseases.

13 (g) The Department shall convene a Medical Cannabis
14 Advisory Board (Advisory Board) composed of 16 members, which
15 shall include:

16 (1) one medical cannabis patient advocate or
17 designated caregiver;

18 (2) one parent or designated caregiver of a person
19 under the age of 18 who is a qualified medical cannabis
20 patient;

21 (3) two registered nurses or nurse practitioners;

22 (4) three registered qualifying patients, including
23 one veteran; and

24 (5) nine health care practitioners with current
25 professional licensure in their field. The Advisory Board
26 shall be composed of health care practitioners

1 representing the following areas:

2 (A) neurology;

3 (B) pain management;

4 (C) medical oncology;

5 (D) psychiatry or mental health;

6 (E) infectious disease;

7 (F) family medicine;

8 (G) general primary care;

9 (H) medical ethics;

10 (I) pharmacy;

11 (J) pediatrics; or

12 (K) psychiatry or mental health for children or
13 adolescents.

14 At least one appointed health care practitioner shall have
15 direct experience related to the health care needs of veterans
16 and at least one individual shall have pediatric experience.

17 (h) Members of the Advisory Board shall be appointed by the
18 Governor.

19 (1) Members shall serve a term of 4 years or until a
20 successor is appointed and qualified. If a vacancy occurs,
21 the Governor shall appoint a replacement to complete the
22 original term created by the vacancy.

23 (2) The Governor shall select a chairperson.

24 (3) Members may serve multiple terms.

25 (4) Members shall not have an affiliation with, serve
26 on the board of, or have a business relationship with a

1 registered cultivation center or a registered medical
2 cannabis dispensary.

3 (5) Members shall disclose any real or apparent
4 conflicts of interest that may have a direct bearing of the
5 subject matter, such as relationships with pharmaceutical
6 companies, biomedical device manufacturers, or
7 corporations whose products or services are related to the
8 medical condition or disease to be reviewed.

9 (6) Members shall not be paid but shall be reimbursed
10 for travel expenses incurred while fulfilling the
11 responsibilities of the Advisory Board.

12 (i) On June 30, 2016 (the effective date of Public Act
13 99-519) ~~this amendatory Act of the 99th General Assembly~~, the
14 terms of office of the members of the Advisory Board serving on
15 that ~~effective~~ date shall terminate and the Board shall be
16 reconstituted.

17 (j) The Advisory Board shall convene at the call of the
18 Chair:

19 (1) to examine debilitating conditions or diseases
20 that would benefit from the medical use of cannabis; and

21 (2) to review new medical and scientific evidence
22 pertaining to currently approved conditions.

23 (k) The Advisory Board shall issue an annual report of its
24 activities each year.

25 (l) The Advisory Board shall receive administrative
26 support from the Department.

1 (Source: P.A. 98-122, eff. 1-1-14; 99-519, eff. 6-30-16;
2 99-642, eff. 7-28-16; revised 10-20-16.)

3 Section 605. The Illinois Egg and Egg Products Act is
4 amended by changing Section 15 as follows:

5 (410 ILCS 615/15) (from Ch. 56 1/2, par. 55-15)

6 Sec. 15. Samples; packing methods.

7 (a) The Department shall prescribe methods in conformity
8 with the United States Department of Agriculture
9 specifications for selecting samples of lots, cases or
10 containers of eggs or egg products which shall be reasonably
11 calculated to produce fair representations of the entire lots
12 or cases and containers sampled. Any sample taken shall be
13 prima facie evidence in any court in this State of the true
14 condition of the entire lot, case or container of eggs or egg
15 products in the examination of which the sample was taken.

16 It shall be unlawful for any handler or retailer to pack
17 eggs into consumer-size containers other than during the
18 original candling and grading operations unless the retailer
19 performs a lot consolidation.

20 (b) A retailer that wishes to consolidate eggs shall
21 implement and administer a training program for employees that
22 will perform the consolidation as part of their duties. The
23 program shall include, but not be limited to, the following:

24 (1) laws ~~laws~~ governing egg lot consolidation:

- 1 (A) same lot code;
- 2 (B) same source;
- 3 (C) same sell-by date;
- 4 (D) same grade;
- 5 (E) same size;
- 6 (F) same brand;
- 7 (2) temperature requirements;
- 8 (3) egg is a hazardous food (FDA Guidelines);
- 9 (4) sanitation;
- 10 (5) egg quality (USDA guidelines);
- 11 (6) original packaging requirements (replacement
- 12 cartons shall not be utilized); and
- 13 (7) record keeping requirements.
- 14 (c) Training shall be conducted annually and may be
- 15 conducted by any means available, including, but not limited
- 16 to, online, computer, classroom, live trainers, and remote
- 17 trainers.
- 18 (d) A copy of the training material must be made available
- 19 upon request from the Department. A copy of the training
- 20 material may be kept electronically.
- 21 (e) Eggs shall be consolidated in a manner consistent with
- 22 training materials required by subsection (b).
- 23 (f) Each store shall maintain a record of each egg carton
- 24 consolidated. The records shall be maintained by the store at
- 25 the physical location the eggs were consolidated at for a
- 26 period not less than one year past the last sell-by date on the

1 cartons consolidated. The records must be available for
2 inspection upon request from the Department. The records may be
3 kept electronically.

4 Each lot consolidation shall be documented. The
5 information documented shall include, but not be limited to,
6 the following:

- 7 (1) date of consolidation;
- 8 (2) brand;
- 9 (3) egg size;
- 10 (4) distributor;
- 11 (5) USDA plant number;
- 12 (6) grade; and
- 13 (7) best-by (sell-by/use-by) date.

14 (g) An Illinois-based egg producer or Illinois-based egg
15 producer-dealer may prohibit its brands from being included in
16 an egg lot consolidation program. Any Illinois-based egg
17 producer or Illinois-based egg producer-dealer that chooses to
18 prohibit its brands from being included in an egg lot
19 consolidation program shall notify a retailer in writing before
20 entering into an agreement to distribute its eggs to the
21 retailer. Producers or producer-dealers with agreements
22 entered into prior to January 1, 2017 (the effective date of
23 Public Act 99-732) ~~this Act~~ shall have 90 days after January 1,
24 2017 (the effective date of Public Act 99-732) ~~this Act~~ to
25 notify retailers in writing of their choice to prohibit
26 consolidation of their egg brands.

1 Upon notification from an Illinois-based producer or
2 Illinois-based producer dealer, a retailer shall not
3 consolidate those brands.

4 (Source: P.A. 99-732, eff. 1-1-17; revised 10-26-16.)

5 Section 610. The Environmental Protection Act is amended by
6 changing Sections 22.28 and 40 as follows:

7 (415 ILCS 5/22.28) (from Ch. 111 1/2, par. 1022.28)

8 Sec. 22.28. White goods.

9 (a) Beginning July 1, 1994, no person shall knowingly offer
10 for collection or collect white goods for the purpose of
11 disposal by landfilling unless the white good components have
12 been removed.

13 (b) Beginning July 1, 1994, no owner or operator of a
14 landfill shall accept any white goods for final disposal,
15 except that white goods may be accepted if:

16 (1) the landfill participates in the Industrial
17 Materials Exchange Service by communicating the
18 availability of white goods;

19 (2) prior to final disposal, any white good components
20 have been removed from the white goods; and

21 (3) ~~if~~ white good components are removed from the white
22 goods at the landfill, a site operating plan satisfying
23 this Act has been approved under the site operating permit
24 and the conditions of such operating plan are met.

1 (c) For the purposes of this Section:

2 (1) "White goods" shall include all discarded
3 refrigerators, ranges, water heaters, freezers, air
4 conditioners, humidifiers and other similar domestic and
5 commercial large appliances.

6 (2) "White good components" shall include:

7 (i) any chlorofluorocarbon refrigerant gas;

8 (ii) any electrical switch containing mercury;

9 (iii) any device that contains or may contain PCBs
10 in a closed system, such as a dielectric fluid for a
11 capacitor, ballast or other component; and

12 (iv) any fluorescent lamp that contains mercury.

13 (d) The Agency is authorized to provide financial
14 assistance to units of local government from the Solid Waste
15 Management Fund to plan for and implement programs to collect,
16 transport and manage white goods. Units of local government may
17 apply jointly for financial assistance under this Section.

18 Applications for such financial assistance shall be
19 submitted to the Agency and must provide a description of:

20 (A) the area to be served by the program;

21 (B) the white goods intended to be included in the
22 program;

23 (C) the methods intended to be used for collecting
24 and receiving materials;

25 (D) the property, buildings, equipment and
26 personnel included in the program;

1 (E) the public education systems to be used as part
2 of the program;

3 (F) the safety and security systems that will be
4 used;

5 (G) the intended processing methods for each white
6 goods type;

7 (H) the intended destination for final material
8 handling location; and

9 (I) any staging sites used to handle collected
10 materials, the activities to be performed at such sites
11 and the procedures for assuring removal of collected
12 materials from such sites.

13 The application may be amended to reflect changes in
14 operating procedures, destinations for collected materials, or
15 other factors.

16 Financial assistance shall be awarded for a State fiscal
17 year, and may be renewed, upon application, if the Agency
18 approves the operation of the program.

19 (e) All materials collected or received under a program
20 operated with financial assistance under this Section shall be
21 recycled whenever possible. Treatment or disposal of collected
22 materials are not eligible for financial assistance unless the
23 applicant shows and the Agency approves which materials may be
24 treated or disposed of under various conditions.

25 Any revenue from the sale of materials collected under such
26 a program shall be retained by the unit of local government and

1 may be used only for the same purposes as the financial
2 assistance under this Section.

3 (f) The Agency is authorized to adopt rules necessary or
4 appropriate to the administration of this Section.

5 (g) (Blank).

6 (Source: P.A. 91-798, eff. 7-9-00; revised 10-6-16.)

7 (415 ILCS 5/40) (from Ch. 111 1/2, par. 1040)

8 Sec. 40. Appeal of permit denial.

9 (a)(1) If the Agency refuses to grant or grants with
10 conditions a permit under Section 39 of this Act, the applicant
11 may, within 35 days after the date on which the Agency served
12 its decision on the applicant, petition for a hearing before
13 the Board to contest the decision of the Agency. However, the
14 35-day period for petitioning for a hearing may be extended for
15 an additional period of time not to exceed 90 days by written
16 notice provided to the Board from the applicant and the Agency
17 within the initial appeal period. The Board shall give 21 days'
18 ~~day~~ notice to any person in the county where is located the
19 facility in issue who has requested notice of enforcement
20 proceedings and to each member of the General Assembly in whose
21 legislative district that installation or property is located;
22 and shall publish that 21-day ~~21-day~~ notice in a newspaper of
23 general circulation in that county. The Agency shall appear as
24 respondent in such hearing. At such hearing the rules
25 prescribed in Section 32 and subsection (a) of Section 33 of

1 this Act shall apply, and the burden of proof shall be on the
2 petitioner. If, however, the Agency issues an NPDES permit that
3 imposes limits which are based upon a criterion or denies a
4 permit based upon application of a criterion, then the Agency
5 shall have the burden of going forward with the basis for the
6 derivation of those limits or criterion which were derived
7 under the Board's rules.

8 (2) Except as provided in paragraph (a)(3), if there is no
9 final action by the Board within 120 days after the date on
10 which it received the petition, the petitioner may deem the
11 permit issued under this Act, provided, however, that that
12 period of 120 days shall not run for any period of time, not to
13 exceed 30 days, during which the Board is without sufficient
14 membership to constitute the quorum required by subsection (a)
15 of Section 5 of this Act, and provided further that such 120
16 day period shall not be stayed for lack of quorum beyond 30
17 days regardless of whether the lack of quorum exists at the
18 beginning of such 120-day ~~120-day~~ period or occurs during the
19 running of such 120-day ~~120-day~~ period.

20 (3) Paragraph (a)(2) shall not apply to any permit which is
21 subject to subsection (b), (d) or (e) of Section 39. If there
22 is no final action by the Board within 120 days after the date
23 on which it received the petition, the petitioner shall be
24 entitled to an Appellate Court order pursuant to subsection (d)
25 of Section 41 of this Act.

26 (b) If the Agency grants a RCRA permit for a hazardous

1 waste disposal site, a third party, other than the permit
2 applicant or Agency, may, within 35 days after the date on
3 which the Agency issued its decision, petition the Board for a
4 hearing to contest the issuance of the permit. Unless the Board
5 determines that such petition is duplicative or frivolous, or
6 that the petitioner is so located as to not be affected by the
7 permitted facility, the Board shall hear the petition in
8 accordance with the terms of subsection (a) of this Section and
9 its procedural rules governing denial appeals, such hearing to
10 be based exclusively on the record before the Agency. The
11 burden of proof shall be on the petitioner. The Agency and the
12 permit applicant shall be named co-respondents.

13 The provisions of this subsection do not apply to the
14 granting of permits issued for the disposal or utilization of
15 sludge from publicly-owned sewage works.

16 (c) Any party to an Agency proceeding conducted pursuant to
17 Section 39.3 of this Act may petition as of right to the Board
18 for review of the Agency's decision within 35 days from the
19 date of issuance of the Agency's decision, provided that such
20 appeal is not duplicative or frivolous. However, the 35-day
21 period for petitioning for a hearing may be extended by the
22 applicant for a period of time not to exceed 90 days by written
23 notice provided to the Board from the applicant and the Agency
24 within the initial appeal period. If another person with
25 standing to appeal wishes to obtain an extension, there must be
26 a written notice provided to the Board by that person, the

1 Agency, and the applicant, within the initial appeal period.
2 The decision of the Board shall be based exclusively on the
3 record compiled in the Agency proceeding. In other respects the
4 Board's review shall be conducted in accordance with subsection
5 (a) of this Section and the Board's procedural rules governing
6 permit denial appeals.

7 (d) In reviewing the denial or any condition of a NA NSR
8 permit issued by the Agency pursuant to rules and regulations
9 adopted under subsection (c) of Section 9.1 of this Act, the
10 decision of the Board shall be based exclusively on the record
11 before the Agency including the record of the hearing, if any,
12 unless the parties agree to supplement the record. The Board
13 shall, if it finds the Agency is in error, make a final
14 determination as to the substantive limitations of the permit
15 including a final determination of Lowest Achievable Emission
16 Rate.

17 (e)(1) If the Agency grants or denies a permit under
18 subsection (b) of Section 39 of this Act, a third party, other
19 than the permit applicant or Agency, may petition the Board
20 within 35 days from the date of issuance of the Agency's
21 decision, for a hearing to contest the decision of the Agency.

22 (2) A petitioner shall include the following within a
23 petition submitted under subdivision (1) of this subsection:

24 (A) a demonstration that the petitioner raised the
25 issues contained within the petition during the public
26 notice period or during the public hearing on the NPDES

1 permit application, if a public hearing was held; and

2 (B) a demonstration that the petitioner is so situated
3 as to be affected by the permitted facility.

4 (3) If the Board determines that the petition is not
5 duplicative or frivolous and contains a satisfactory
6 demonstration under subdivision (2) of this subsection, the
7 Board shall hear the petition (i) in accordance with the terms
8 of subsection (a) of this Section and its procedural rules
9 governing permit denial appeals and (ii) exclusively on the
10 basis of the record before the Agency. The burden of proof
11 shall be on the petitioner. The Agency and permit applicant
12 shall be named co-respondents.

13 (f) Any person who files a petition to contest the issuance
14 of a permit by the Agency shall pay a filing fee.

15 (Source: P.A. 99-463, eff. 1-1-16; revised 10-6-16.)

16 Section 615. The Wastewater Land Treatment Site Regulation
17 Act is amended by changing Section 2 as follows:

18 (415 ILCS 50/2) (from Ch. 111 1/2, par. 582)

19 Sec. 2. Definitions. As used in this Act unless the context
20 otherwise requires, the terms specified in the Sections
21 following this Section and preceding Section 3 ~~Sections 2.01~~
22 ~~through 2.07~~ have the meanings ascribed to them in those
23 Sections.

24 (Source: P.A. 78-350; revised 10-5-16.)

1 Section 620. The Illinois Pesticide Act is amended by
2 changing Sections 4 and 9 as follows:

3 (415 ILCS 60/4) (from Ch. 5, par. 804)

4 Sec. 4. Definitions. As used in this Act:

5 1. "Director" means Director of the Illinois Department of
6 Agriculture or his authorized representative.

7 2. "Active Ingredient" means any ingredient which will
8 prevent, destroy, repel, control or mitigate a pest or which
9 will act as a plant regulator, defoliant or desiccant.

10 3. "Adulterated" shall apply to any pesticide if the
11 strength or purity is not within the standard of quality
12 expressed on the labeling under which it is sold, distributed
13 or used, including any substance which has been substituted
14 wholly or in part for the pesticide as specified on the
15 labeling under which it is sold, distributed or used, or if any
16 valuable constituent of the pesticide has been wholly or in
17 part abstracted.

18 4. "Agricultural Commodity" means produce of the land
19 including but not limited to plants and plant parts, livestock
20 and poultry and livestock or poultry products, seeds, sod,
21 shrubs and other products of agricultural origin including the
22 premises necessary to and used directly in agricultural
23 production. Agricultural commodity also includes aquatic
24 products as defined in the Aquaculture Development Act.

1 5. "Animal" means all vertebrate and invertebrate species
2 including, but not limited to, man and other mammals, bird,
3 fish, and shellfish.

4 6. "Beneficial Insects" means those insects which during
5 their life cycle are effective pollinators of plants, predators
6 of pests or are otherwise beneficial.

7 7. "Certified applicator".

8 A. "Certified applicator" means any individual who is
9 certified under this Act to purchase, use, or supervise the
10 use of pesticides which are classified for restricted use.

11 B. "Private applicator" means a certified applicator
12 who purchases, uses, or supervises the use of any pesticide
13 classified for restricted use, for the purpose of producing
14 any agricultural commodity on property owned, rented, or
15 otherwise controlled by him or his employer, or applied to
16 other property if done without compensation other than
17 trading of personal services between no more than 2
18 producers of agricultural commodities.

19 C. "Licensed Commercial Applicator" means a certified
20 applicator, whether or not he is a private applicator with
21 respect to some uses, who owns or manages a business that
22 is engaged in applying pesticides, whether classified for
23 general or restricted use, for hire. The term also applies
24 to a certified applicator who uses or supervises the use of
25 pesticides, whether classified for general or restricted
26 use, for any purpose or on property of others excluding

1 those specified by subparagraphs 7 (B), (D), (E) of Section
2 4 of this Act.

3 D. "Commercial Not For Hire Applicator" means a
4 certified applicator who uses or supervises the use of
5 pesticides classified for general or restricted use for any
6 purpose on property of an employer when such activity is a
7 requirement of the terms of employment and such application
8 of pesticides under this certification is limited to
9 property under the control of the employer only and
10 includes, but is not limited to, the use or supervision of
11 the use of pesticides in a greenhouse setting. "Commercial
12 Not For Hire Applicator" also includes a certified
13 applicator who uses or supervises the use of pesticides
14 classified for general or restricted use as an employee of
15 a state agency, municipality, or other duly constituted
16 governmental agency or unit.

17 8. "Defoliant" means any substance or combination of
18 substances which cause leaves or foliage to drop from a plant
19 with or without causing abscission.

20 9. "Desiccant" means any substance or combination of
21 substances intended for artificially accelerating the drying
22 of plant tissue.

23 10. "Device" means any instrument or contrivance, other
24 than a firearm or equipment for application of pesticides when
25 sold separately from pesticides, which is intended for
26 trapping, repelling, destroying, or mitigating any pest, other

1 than bacteria, virus, or other microorganisms on or living in
2 man or other living animals.

3 11. "Distribute" means offer or hold for sale, sell,
4 barter, ship, deliver for shipment, receive and then deliver,
5 or offer to deliver pesticides, within the State.

6 12. "Environment" includes water, air, land, and all plants
7 and animals including man, living therein and the
8 interrelationships which exist among these.

9 13. "Equipment" means any type of instruments and
10 contrivances using motorized, mechanical or pressure power
11 which is used to apply any pesticide, excluding pressurized
12 hand-size household apparatus containing dilute ready to apply
13 pesticide or used to apply household pesticides.

14 14. "FIFRA" means the "Federal Insecticide, Fungicide, and
15 Rodenticide Act", as amended.

16 15. "Fungi" means any non-chlorophyll bearing
17 thallophytes, any non-chlorophyll bearing plant of a lower
18 order than mosses or liverworts, as for example rust, smut,
19 mildew, mold, yeast and bacteria, except those on or in living
20 animals including man and those on or in processed foods,
21 beverages or pharmaceuticals.

22 16. "Household Substance" means any pesticide customarily
23 produced and distributed for use by individuals in or about the
24 household.

25 17. "Imminent Hazard" means a situation which exists when
26 continued use of a pesticide would likely result in

1 unreasonable adverse effect on the environment or will involve
2 unreasonable hazard to the survival of a species declared
3 endangered by the U.S. Secretary of the Interior or to species
4 declared to be protected by the Illinois Department of Natural
5 Resources.

6 18. "Inert Ingredient" means an ingredient which is not an
7 active ingredient.

8 19. "Ingredient Statement" means a statement of the name
9 and percentage of each active ingredient together with the
10 total percentage of inert ingredients in a pesticide and for
11 pesticides containing arsenic in any form, the ingredient
12 statement shall include percentage of total and water soluble
13 arsenic, each calculated as elemental arsenic. In the case of
14 spray adjuvants the ingredient statement need contain only the
15 names of the functioning agents and the total percent of those
16 constituents ineffective as spray adjuvants.

17 20. "Insect" means any of the numerous small invertebrate
18 animals generally having the body more or less obviously
19 segmented for the most part belonging to the class Insects,
20 comprised of six-legged, usually winged forms, as for example
21 beetles, caterpillars, and flies. This definition encompasses
22 other allied classes of arthropods whose members are wingless
23 and usually have more than 6 legs as for example spiders,
24 mites, ticks, centipedes, and millipedes.

25 21. "Label" means the written, printed or graphic matter on
26 or attached to the pesticide or device or any of its containers

1 or wrappings.

2 22. "Labeling" means the label and all other written,
3 printed or graphic matter: (a) on the pesticide or device or
4 any of its containers or wrappings, (b) accompanying the
5 pesticide or device or referring to it in any other media used
6 to disseminate information to the public, (c) to which
7 reference is made to the pesticide or device except when
8 references are made to current official publications of the U.
9 S. Environmental Protection Agency, Departments of
10 Agriculture, Health, Education and Welfare or other Federal
11 Government institutions, the state experiment station or
12 colleges of agriculture or other similar state institution
13 authorized to conduct research in the field of pesticides.

14 23. "Land" means all land and water area including
15 airspace, and all plants, animals, structures, buildings,
16 contrivances, and machinery appurtenant thereto or situated
17 thereon, fixed or mobile, including any used for
18 transportation.

19 24. "Licensed Operator" means a person employed to apply
20 pesticides to the lands of others under the direction of a
21 "licensed commercial applicator" or a "licensed commercial
22 not-for-hire applicator".

23 25. "Nematode" means invertebrate animals of the phylum
24 nemathelminthes and class nematoda, also referred to as nemas
25 or eelworms, which are unsegmented roundworms with elongated
26 fusiform or sac-like bodies covered with cuticle and inhabiting

1 soil, water, plants or plant parts.

2 26. "Permit" means a written statement issued by the
3 Director or his authorized agent, authorizing certain acts of
4 pesticide purchase or of pesticide use or application on an
5 interim basis prior to normal certification, registration, or
6 licensing.

7 27. "Person" means any individual, partnership,
8 association, fiduciary, corporation, or any organized group of
9 persons whether incorporated or not.

10 28. "Pest" means (a) any insect, rodent, nematode, fungus,
11 weed, or (b) any other form of terrestrial or aquatic plant or
12 animal life or virus, bacteria, or other microorganism,
13 excluding virus, bacteria, or other microorganism on or in
14 living animals including man, which the Director declares to be
15 a pest.

16 29. "Pesticide" means any substance or mixture of
17 substances intended for preventing, destroying, repelling, or
18 mitigating any pest or any substance or mixture of substances
19 intended for use as a plant regulator, defoliant or desiccant.

20 30. "Pesticide Dealer" means any person who distributes
21 registered pesticides to the user.

22 31. "Plant Regulator" means any substance or mixture of
23 substances intended through physiological action to affect the
24 rate of growth or maturation or otherwise alter the behavior of
25 ornamental or crop plants or the produce thereof. This does not
26 include substances which are not intended as plant nutrient

1 trace elements, nutritional chemicals, plant or seed
2 inoculants or soil conditioners or amendments.

3 32. "Protect Health and Environment" means to guard against
4 any unreasonable adverse effects on the environment.

5 33. "Registrant" means person who has registered any
6 pesticide pursuant to the provision of FIFRA and this Act.

7 34. "Restricted Use Pesticide" means any pesticide with one
8 or more of its uses classified as restricted by order of the
9 Administrator of USEPA.

10 35. "SLN Registration" means registration of a pesticide
11 for use under conditions of special local need as defined by
12 FIFRA.

13 36. "State Restricted Pesticide Use" means any pesticide
14 use which the Director determines, subsequent to public
15 hearing, that an additional restriction for that use is needed
16 to prevent unreasonable adverse effects.

17 37. "Structural Pest" means any pests which attack and
18 destroy buildings and other structures or which attack
19 clothing, stored food, commodities stored at food
20 manufacturing and processing facilities or manufactured and
21 processed goods.

22 38. "Unreasonable Adverse Effects on the Environment"
23 means the unreasonable risk to the environment, including man,
24 from the use of any pesticide, when taking into account accrued
25 benefits of as well as the economic, social, and environmental
26 costs of its use.

1 39. "USEPA" means United States Environmental Protection
2 Agency.

3 40. "Use inconsistent with the label" means to use a
4 pesticide in a manner not consistent with the label
5 instruction, the definition adopted in FIFRA as interpreted by
6 USEPA shall apply in Illinois.

7 41. "Weed" means any plant growing in a place where it is
8 not wanted.

9 42. "Wildlife" means all living things, not human,
10 domestic, or pests.

11 43. "Bulk pesticide" means any registered pesticide which
12 is transported or held in an individual container in undivided
13 quantities of greater than 55 U.S. gallons liquid measure or
14 100 pounds net dry weight.

15 44. "Bulk repackaging" means the transfer of a registered
16 pesticide from one bulk container (containing undivided
17 quantities of greater than 100 U.S. gallons liquid measure or
18 100 pounds net dry weight) to another bulk container
19 (containing undivided quantities of greater than 100 U.S.
20 gallons liquid measure or 100 pounds net dry weight) in an
21 unaltered state in preparation for sale or distribution to
22 another person.

23 45. "Business" means any individual, partnership,
24 corporation or association engaged in a business operation for
25 the purpose of selling or distributing pesticides or providing
26 the service of application of pesticides in this State.

1 46. "Facility" means any building or structure and all real
2 property contiguous thereto, including all equipment fixed
3 thereon used for the operation of the business.

4 47. "Chemigation" means the application of a pesticide
5 through the systems or equipment employed for the primary
6 purpose of irrigation of land and crops.

7 48. "Use" means any activity covered by the pesticide label
8 including but not limited to application of pesticide, mixing
9 and loading, storage of pesticides or pesticide containers,
10 disposal of pesticides and pesticide containers and reentry
11 into treated sites or areas.

12 (Source: P.A. 98-756, eff. 7-16-14; 99-540, eff. 1-1-17;
13 revised 10-6-16.)

14 (415 ILCS 60/9) (from Ch. 5, par. 809)

15 Sec. 9. Licenses and pesticide dealer registrations
16 requirements; certification.

17 (a) Licenses and pesticide dealer registrations issued
18 pursuant to this Act as a result of certification attained in
19 calendar year 2017 or earlier shall be valid for the calendar
20 year in which they were issued, except that private applicator
21 licenses shall be valid for the calendar year in which they
22 were issued plus 2 additional calendar years. All licenses and
23 pesticide dealer registrations shall expire on December 31 of
24 the year in which they are ~~it is~~ to expire. A license or
25 pesticide dealer registration in effect on the 31st of

1 December, for which renewal has been made within 60 days
2 following the date of expiration, shall continue in full force
3 and effect until the Director notifies the applicant that
4 renewal has been approved and accepted or is to be denied in
5 accordance with this Act. The Director shall not issue a
6 license or pesticide dealer registration to a first time
7 applicant or to a person who has not made application for
8 renewal on or before March 1 following the expiration date of
9 the license or pesticide dealer registration until such
10 applicant or person has been certified by the Director as
11 having successfully demonstrated competence and knowledge
12 regarding pesticide use. The Director shall issue a license or
13 pesticide dealer registration to a person that made application
14 after March 1 and before April 15 if that application is
15 accompanied by a late application fee. A licensee or pesticide
16 dealer shall be required to be recertified for competence and
17 knowledge regarding pesticide use at least once every 3 years
18 and at such other times as deemed necessary by the Director to
19 assure a continued level of competence and ability. The
20 Director shall by regulation specify the standard of
21 qualification for certification and the manner of establishing
22 an applicant's competence and knowledge. A certification shall
23 remain valid only if an applicant attains licensure or
24 pesticide dealer registration during the calendar year in which
25 certification was granted and the licensure is maintained
26 throughout the 3-year certification period.

1 (b) Multi-year licenses and pesticide dealer registrations
2 issued pursuant to this Act as a result of certification
3 attained in calendar year 2018 or thereafter shall be valid for
4 the calendar year in which they were issued plus 2 additional
5 calendar years. All licenses and pesticide dealer
6 registrations shall expire on December 31 of the year in which
7 they are to expire. A license or pesticide dealer registration
8 in effect on the 31st of December, for which recertification
9 and licensure has been made within 60 days following the date
10 of expiration, shall continue in full force and effect until
11 the Director notifies the applicant that recertification and
12 licensure has been approved and accepted or is to be denied in
13 accordance with this Act. A licensee or pesticide dealer shall
14 be required to be recertified for competence and knowledge
15 regarding pesticide use at least once every 3 years and at such
16 other times as deemed necessary by the Director to assure a
17 continued level of competence and ability. The Director shall
18 by rule specify the standard of qualification for certification
19 and the manner of establishing the applicant's competence and
20 knowledge. A certification shall remain valid only if an
21 applicant attains licensure or pesticide dealer registration
22 during the calendar year in which certification was granted and
23 the licensure is maintained throughout the 3-year
24 certification period. Notwithstanding the other provisions of
25 this subsection (b), the employer of a pesticide applicator or
26 operator licensee may notify the Director that the licensee's

1 employment has been terminated. If the employer submits that
2 notification, the employer shall return to the Director the
3 licensee's pesticide applicator or operator license card and
4 may request that the unused portion of the terminated
5 licensee's pesticide applicator or operator license term be
6 transferred to a newly certified or re-certified individual,
7 and the Director may issue the appropriate pesticide applicator
8 or operator license to the newly certified or re-certified
9 individual with an expiration date equal to the original
10 license after payment of a \$10 transfer fee.

11 (c) The Director may refuse to issue a license or pesticide
12 dealer registration based upon the violation history of the
13 applicant.

14 (Source: P.A. 98-923, eff. 1-1-15; 99-540, eff. 1-1-17; revised
15 10-6-16.)

16 Section 625. The Mercury Thermostat Collection Act is
17 amended by changing Section 25 as follows:

18 (415 ILCS 98/25)

19 (Section scheduled to be repealed on January 1, 2021)

20 Sec. 25. Collection goals. The collection programs
21 established by thermostat manufacturers under this Act shall be
22 designed to collectively achieve the following statewide
23 goals:

24 (a) For calendar year 2011, the collection of least

1 5,000 mercury thermostats taken out of service in the State
2 during the calendar year.

3 (b) For calendar years 2012, 2013, and 2014, the
4 collection of at least 15,000 mercury thermostats taken out
5 of service in the State during each calendar year.

6 (c) For calendar years 2015 through 2020, the
7 collection goals shall be established by the Agency. The
8 Agency shall establish collection goals no later than
9 November 1, 2014. The collection goals established by the
10 Agency shall maximize the annual collection of
11 out-of-service mercury thermostats in the State. In
12 developing the collection goals, the Agency shall take into
13 account, at a minimum, (i) the effectiveness of collection
14 programs for out-of-service mercury thermostats in the
15 State and other states, including education and outreach
16 efforts, (ii) collection requirements in other states,
17 (iii) any reports or studies on the number of
18 out-of-service mercury thermostats that are available for
19 collection in this State, other states, and nationally, and
20 (iv) other factors. Prior to establishing the collection
21 goals, the Agency shall consult with stakeholder groups
22 that include, at a minimum, representatives of thermostat
23 manufacturers, environmental groups, thermostat
24 wholesalers, contractors, and thermostat retailers.

25 ~~(d)~~ The collection goals established by the Agency under
26 subsection (c) of this Section are statements of general

1 applicability under Section 1-70 of the Illinois
2 Administrative Procedure Act and shall be adopted in accordance
3 with the procedures of that Act. Any person adversely affected
4 by a goal established by the Agency under subsection (c) of
5 this Section may obtain a determination of the validity or
6 application of the goal by filing a petition for review within
7 35 days after the date the adopted goal is published in the
8 Illinois Register pursuant to subsection (d) of Section 5-40 ~~40~~
9 of the Illinois Administrative Procedure Act. Review shall be
10 afforded directly in the Appellate Court for the District in
11 which the cause of action arose and not the Circuit Court.
12 During the pendency of the review, the goal under review shall
13 remain in effect.

14 ~~(e)~~ For the purposes of determining compliance with the
15 collection goals established under this Section, for calendar
16 year 2015 and for each calendar year thereafter, the number of
17 out-of-service mercury thermostats represented by loose
18 ampoules shall be calculated:

19 (1) using a conversion factor such that each loose
20 mercury ampoule collected shall be deemed the
21 equivalent of 0.85 mercury thermostats; or

22 (2) using an alternative conversion factor
23 determined by the manufacturer or group of
24 manufacturers.

25 A manufacturer or group of manufacturers shall include
26 data and calculations to support its use of an alternative

1 conversion factor.

2 (Source: P.A. 99-122, eff. 7-23-15; revised 10-26-16.)

3 Section 635. The Firearm Owners Identification Card Act is
4 amended by changing Section 9 as follows:

5 (430 ILCS 65/9) (from Ch. 38, par. 83-9)

6 Sec. 9. Every person whose application for a Firearm
7 Owner's Identification Card is denied, and every holder of such
8 a Card whose Card is revoked or seized, shall receive a written
9 notice from the Department of State Police stating specifically
10 the grounds upon which his application has been denied or upon
11 which his Identification Card has been revoked. The written
12 notice shall include the requirements of Section 9.5 of this
13 Act and the person's ~~persons's~~ right to administrative or
14 judicial review under Section 10 and 11 of this Act. A copy of
15 the written notice shall be provided to the sheriff and law
16 enforcement agency where the person resides.

17 (Source: P.A. 97-1131, eff. 1-1-13; 98-63, eff. 7-9-13; revised
18 10-5-16.)

19 Section 640. The Livestock Management Facilities Act is
20 amended by changing Section 30 as follows:

21 (510 ILCS 77/30)

22 Sec. 30. Certified Livestock Manager. The Department shall

1 establish a Certified Livestock Manager program in conjunction
2 with the livestock industry that will enhance management skills
3 in critical areas, such as environmental awareness, safety
4 concerns, odor control techniques and technology, neighbor
5 awareness, current best management practices, and the
6 developing and implementing of manure management plans.

7 (a) Applicability. A livestock waste handling facility
8 serving 300 or greater animal units shall be operated only
9 under the supervision of a certified livestock manager.
10 Notwithstanding ~~Notwithstanding~~ the before-stated provision,
11 a livestock waste handling facility may be operated on an
12 interim basis, but not to exceed 6 months, to allow for the
13 owner or operator of the facility to become certified.

14 (b) A certification program shall include the following:

15 (1) A general working knowledge of best management
16 practices.

17 (2) A general working knowledge of livestock waste
18 handling practices and procedures.

19 (3) A general working knowledge of livestock
20 management operations and related safety issues.

21 (4) An awareness and understanding of the
22 responsibility of the owner or operator for all employees
23 who may be involved with waste handling.

24 (c) Any certification issued shall be valid for 3 years and
25 thereafter be subject to renewal. A renewal shall be valid for
26 a 3 year period and the procedures set forth in this Section

1 shall be followed. The Department may require anyone who is
2 certified to be recertified in less than 3 years for just cause
3 including but not limited to repeated complaints where
4 investigations reveal the need to improve management
5 practices.

6 (d) Methods for obtaining certified livestock manager
7 status.

8 (1) The owner or operator of a livestock waste handling
9 facility serving 300 or greater animal units but less than
10 1,000 animal units shall become a certified livestock
11 manager by:

12 (A) attending a training session conducted by the
13 Department of Agriculture, Cooperative Extension
14 Service, or any agriculture association, which has
15 been approved by or is in cooperation with the
16 Department; or

17 (B) in lieu of attendance at a training session,
18 successfully completing a written competency
19 examination.

20 (2) The owner or operator of a livestock waste handling
21 facility serving 1,000 or greater animal units shall become
22 a certified livestock manager by attending a training
23 session conducted by the Department of Agriculture,
24 Cooperative Extension Service, or any agriculture
25 association, which has been approved by or is in
26 cooperation with the Department and successfully

1 completing a written competency examination.

2 (e) The certified livestock manager certificate shall be
3 issued by the Department and shall indicate that the person
4 named on the certificate is certified as a livestock management
5 facility manager, the dates of certification, and when renewal
6 is due.

7 (f) For the years prior to 2011, the Department shall
8 charge \$10 for the issuance or renewal of a certified livestock
9 manager certificate. For the years 2011 and thereafter, the
10 Department shall charge \$30 for the issuance or renewal of a
11 certified livestock manager certificate. The Department may,
12 by rule, establish fees to cover the costs of materials and
13 training for training sessions given by the Department.

14 (g) The owner or operator of a livestock waste handling
15 facility operating in violation of the provisions of subsection
16 (a) of this Section shall be issued a warning letter for the
17 first violation and shall be required to have a certified
18 manager for the livestock waste handling facility within 30
19 working days. For failure to comply with the warning letter
20 within the 30 day period, the person shall be fined an
21 administrative penalty of up to \$1,000 by the Department and
22 shall be required to enter into an agreement to have a
23 certified manager for the livestock waste handling facility
24 within 30 working days. For continued failure to comply, the
25 Department may issue an operational cease and desist order
26 until compliance is attained.

1 (Source: P.A. 96-1310, eff. 7-27-10; revised 10-5-16.)

2 Section 645. The Wildlife Code is amended by changing
3 Section 2.33a as follows:

4 (520 ILCS 5/2.33a) (from Ch. 61, par. 2.33a)

5 Sec. 2.33a. Trapping.

6 (a) It is unlawful to fail to visit and remove all animals
7 from traps staked out, set, used, tended, placed or maintained
8 at least once each calendar day.

9 (b) It is unlawful for any person to place, set, use, or
10 maintain a leghold trap or one of similar construction on land,
11 that has a jaw spread of larger than 6 1/2 inches (16.6 CM), or
12 a body-gripping trap or one of similar construction having a
13 jaw spread larger than 7 inches (17.8 CM) on a side if square
14 and 8 inches (20.4 CM) if round.

15 (c) It is unlawful for any person to place, set, use, or
16 maintain a leghold trap or one of similar construction in
17 water, that has a jaw spread of larger than 7 1/2 inches (19.1
18 CM), or a body-gripping trap or one of similar construction
19 having a jaw spread larger than 10 inches (25.4 CM) on a side
20 if square and 12 inches (30.5 CM) if round.

21 (d) It is unlawful to use any trap with saw-toothed,
22 spiked, or toothed jaws.

23 (e) It is unlawful to destroy, disturb or in any manner
24 interfere with dams, lodges, burrows or feed beds of beaver

1 while trapping for beaver or to set a trap inside a muskrat
2 house or beaver lodge, except that this shall not apply to
3 Drainage Districts that ~~who~~ are acting pursuant to the
4 provisions of Section 2.37.

5 (f) It is unlawful to trap beaver or river otter with: (1)
6 a leghold trap or one of similar construction having a jaw
7 spread of less than 5 1/2 inches (13.9 CM) or more than 7 1/2
8 inches (19.1 CM), or (2) a body-gripping trap or one of similar
9 construction having a jaw spread of less than 7 inches (17.7
10 CM) or more than 10 inches (25.4 CM) on a side if square and 12
11 inches (30.5 CM) if round, except that these restrictions shall
12 not apply during the open season for trapping raccoons.

13 (g) It is unlawful to set traps closer than 10 feet (3.05
14 M) from any hole or den which may be occupied by a game mammal
15 or fur-bearing mammal except that this restriction shall not
16 apply to water sets.

17 (h) It is unlawful to trap or attempt to trap any
18 fur-bearing mammal with any colony, cage, box, or stove-pipe
19 trap designed to take more than one mammal at a single setting.

20 (i) It is unlawful for any person to set or place any trap
21 designed to take any fur-bearing mammal protected by this Act
22 during the closed trapping season. Proof that any trap was
23 placed during the closed trapping season shall be deemed prima
24 facie evidence of a violation of this provision.

25 (j) It is unlawful to place, set, or maintain any leghold
26 trap or one of similar construction within thirty (30) feet

1 (9.14 m) of bait placed in such a manner or position that it is
2 not completely covered and concealed from sight, except that
3 this shall not apply to underwater sets. Bait shall mean and
4 include any bait composed of mammal, bird, or fish flesh, fur,
5 hide, entrails or feathers.

6 (k) (Blank).

7 (l) It is unlawful for any person to place, set, use or
8 maintain a snare trap or one of similar construction in water,
9 that has a loop diameter exceeding 15 inches (38.1 CM) or a
10 cable or wire diameter of more than 1/8 inch (3.2 MM) or less
11 than 5/64 inch (2.0 MM), that is constructed of stainless steel
12 metal cable or wire, and that does not have a mechanical lock,
13 anchor swivel and stop device to prevent the mechanical lock
14 from closing the noose loop to a diameter of less than 2 1/2
15 inches (6.4 CM).

16 (m) It is unlawful to trap muskrat or mink with (1) a
17 leghold trap or one of similar construction or (2) a
18 body-gripping trap or one of similar construction unless the
19 body-gripping trap or similar trap is completely submerged
20 underwater when set. These restrictions shall not apply during
21 the open season for trapping raccoons.

22 (Source: P.A. 99-33, eff. 1-1-16; revised 10-27-16.)

23 Section 650. The Illinois Vehicle Code is amended by
24 changing Sections 1-132, 2-115, 3-114.1, 3-414, 3-506,
25 3-699.14, 3-704.1, 3-809, 6-106, 7-311, 11-905, 11-907,

1 11-908, 11-1431, 15-107, and 18c-7402 as follows:

2 (625 ILCS 5/1-132) (from Ch. 95 1/2, par. 1-132)

3 Sec. 1-132. Intersection.

4 (a) The area embraced within the prolongation or connection
5 of the lateral curb lines, or, if none, then the lateral
6 boundary lines of the roadways of two highways which join one
7 another at, or approximately at, right angles or the area
8 within which vehicles traveling upon different roadways
9 joining at any other angle may come in conflict.

10 (b) Where a highway includes two roadways 40 feet or more
11 apart, then every crossing of each roadway of such divided
12 highway by an intersecting highway shall be regarded as a
13 separate intersection.

14 (c) The junction of an alley with a street or highway does
15 not constitute an intersection.

16 (Source: P.A. 77-321; revised 9-14-16.)

17 (625 ILCS 5/2-115) (from Ch. 95 1/2, par. 2-115)

18 Sec. 2-115. Investigators.

19 (a) The Secretary of State, for the purpose of more
20 effectively carrying out the provisions of the laws in relation
21 to motor vehicles, shall have power to appoint such number of
22 investigators as he may deem necessary. It shall be the duty of
23 such investigators to investigate and enforce violations of the
24 provisions of this Act administered by the Secretary of State

1 and provisions of Chapters 11, 12, 13, 14, and 15 and to
2 investigate and report any violation by any person who operates
3 as a motor carrier of property as defined in Section 18-100 of
4 this Act and does not hold a valid certificate or permit. Such
5 investigators shall have and may exercise throughout the State
6 all of the powers of peace officers.

7 No person may be retained in service as an investigator
8 under this Section after he or she has reached 60 years of age,
9 except for a person employed in the title of Capitol Police
10 Investigator and who began employment on or after January 1,
11 2011, in which case, that person ~~they~~ may not be retained in
12 service after that person has reached 65 years of age.

13 The Secretary of State must authorize to each investigator
14 employed under this Section and to any other employee of the
15 Office of the Secretary of State exercising the powers of a
16 peace officer a distinct badge that, on its face, (i) clearly
17 states that the badge is authorized by the Office of the
18 Secretary of State and (ii) contains a unique identifying
19 number. No other badge shall be authorized by the Office of the
20 Secretary of State.

21 (b) The Secretary may expend such sums as he deems
22 necessary from Contractual Services appropriations for the
23 Department of Police for the purchase of evidence, for the
24 employment of persons to obtain evidence, and for the payment
25 for any goods or services related to obtaining evidence. Such
26 sums shall be advanced to investigators authorized by the

1 Secretary to expend funds, on vouchers signed by the Secretary.
2 In addition, the Secretary of State is authorized to maintain
3 one or more commercial checking accounts with any State banking
4 corporation or corporations organized under or subject to the
5 Illinois Banking Act for the deposit and withdrawal of moneys
6 to be used solely for the purchase of evidence and for the
7 employment of persons to obtain evidence, or for the payment
8 for any goods or services related to obtaining evidence;
9 provided that no check may be written on nor any withdrawal
10 made from any such account except on the written signatures of
11 2 persons designated by the Secretary to write such checks and
12 make such withdrawals, and provided further that the balance of
13 moneys on deposit in any such account shall not exceed \$5,000
14 at any time, nor shall any one check written on or single
15 withdrawal made from any such account exceed \$5,000.

16 All fines or moneys collected or received by the Department
17 of Police under any State or federal forfeiture statute;
18 including, but not limited to moneys forfeited under Section 12
19 of the Cannabis Control Act, moneys forfeited under Section 85
20 of the Methamphetamine Control and Community Protection Act,
21 and moneys distributed under Section 413 of the Illinois
22 Controlled Substances Act, shall be deposited into the
23 Secretary of State Evidence Fund.

24 In all convictions for offenses in violation of this Act,
25 the Court may order restitution to the Secretary of any or all
26 sums expended for the purchase of evidence, for the employment

1 of persons to obtain evidence, and for the payment for any
2 goods or services related to obtaining evidence. All such
3 restitution received by the Secretary shall be deposited into
4 the Secretary of State Evidence Fund. Moneys deposited into the
5 fund shall, subject to appropriation, be used by the Secretary
6 of State for the purposes provided for under the provisions of
7 this Section.

8 (Source: P.A. 99-896, eff. 1-1-17; revised 10-25-16.)

9 (625 ILCS 5/3-114.1)

10 Sec. 3-114.1. Transfers to and from charitable
11 organizations. When a charitable not-for-profit organization
12 that is exempt from federal income taxation under Section
13 501(c)(3) of the Internal Revenue Code becomes the recipient of
14 a motor vehicle by means of a donation from an individual, the
15 organization need not send the certificate of title to the
16 Secretary of State. Upon transferring the motor vehicle, the
17 organization shall promptly and within 20 days execute the
18 reassignment to reflect the transfer from the organization to
19 the purchaser. The organization is specifically authorized to
20 complete and execute the space reserved in the certificate of
21 title for a dealer reassignment, notwithstanding ~~not~~
22 ~~withstanding~~ that the organization is not a licensed dealer.
23 Nothing in this Section shall be construed to require the
24 organization to become a licensed vehicle dealer.

25 (Source: P.A. 92-495, eff. 1-1-02; revised 9-14-16.)

1 (625 ILCS 5/3-414) (from Ch. 95 1/2, par. 3-414)

2 Sec. 3-414. Expiration of registration.

3 (a) Every vehicle registration under this Chapter and every
4 registration card and registration plate or registration
5 sticker issued hereunder to a vehicle shall be for the periods
6 specified in this Chapter and shall expire at midnight on the
7 day and date specified in this Section as follows:

8 1. When registered on a calendar year basis commencing
9 January 1, expiration shall be on the 31st day of December
10 or at such other date as may be selected in the discretion
11 of the Secretary of State; however, through December 31,
12 2004, registrations of apportionable vehicles,
13 motorcycles, motor driven cycles and pedalcycles shall
14 commence on the first day of April and shall expire March
15 31st of the following calendar year;

16 1.1. Beginning January 1, 2005, registrations of
17 motorcycles and motor driven cycles shall commence on
18 January 1 and shall expire on December 31 or on another
19 date that may be selected by the Secretary; registrations
20 of apportionable vehicles and pedalcycles, however, shall
21 commence on the first day of April and shall expire March
22 31 of the following calendar year;

23 2. When registered on a 2 calendar year basis
24 commencing January 1 of an even-numbered year, expiration
25 shall be on the 31st day of December of the ensuing

1 odd-numbered year, or at such other later date as may be
2 selected in the discretion of the Secretary of State not
3 beyond March 1 next;

4 3. When registered on a fiscal year basis commencing
5 July 1, expiration shall be on the 30th day of June or at
6 such other later date as may be selected in the discretion
7 of the Secretary of State not beyond September 1 next;

8 4. When registered on a 2 fiscal year basis commencing
9 July 1 of an even-numbered year, expiration shall be on the
10 30th day of June of the ensuing even-numbered year, or at
11 such other later date as may be selected in the discretion
12 of the Secretary of State not beyond September 1 next;

13 5. When registered on a 4 fiscal year basis commencing
14 July 1 of an even-numbered year, expiration shall be on the
15 30th day of June of the second ensuing even-numbered year,
16 or at such other later date as may be selected in the
17 discretion of the Secretary of State not beyond September 1
18 next.

19 (a-5) The Secretary may, in his or her discretion, require
20 an owner of a motor vehicle of the first division or a motor
21 vehicle of the second division weighing not more than 8,000
22 pounds to select the owner's birthday as the date of
23 registration expiration under this Section. If the motor
24 vehicle has more than one registered owner, the owners may
25 select one registered owner's birthday as the date of
26 registration expiration. The Secretary may adopt any rules

1 necessary to implement this subsection.

2 (b) Vehicle registrations of vehicles of the first division
3 shall be for a calendar year, 2 calendar year, 3 calendar year,
4 or 5 calendar year basis as provided for in this Chapter.

5 Vehicle registrations of vehicles under Sections 3-807,
6 3-808 and 3-809 shall be on an indefinite term basis or a 2
7 calendar year basis as provided for in this Chapter.

8 Vehicle registrations for vehicles of the second division
9 shall be for a fiscal year, 2 fiscal year or calendar year
10 basis as provided for in this Chapter.

11 Motor vehicles registered under the provisions of Section
12 3-402.1 shall be issued multi-year registration plates with a
13 new registration card issued annually upon payment of the
14 appropriate fees. Motor vehicles registered under the
15 provisions of Section 3-405.3 shall be issued multi-year
16 registration plates with a new multi-year registration card
17 issued pursuant to subsections (j), (k), and (l) of this
18 Section upon payment of the appropriate fees. Apportionable
19 trailers and apportionable semitrailers registered under the
20 provisions of Section 3-402.1 shall be issued multi-year
21 registration plates and cards that will be subject to
22 revocation for failure to pay annual fees required by Section
23 3-814.1. The Secretary shall determine when these vehicles
24 shall be issued new registration plates.

25 (c) Every vehicle registration specified in Section 3-810
26 and every registration card and registration plate or

1 registration sticker issued thereunder shall expire on the 31st
2 day of December of each year or at such other date as may be
3 selected in the discretion of the Secretary of State.

4 (d) Every vehicle registration for a vehicle of the second
5 division weighing over 8,000 pounds, except as provided in
6 paragraph (g) of this Section, and every registration card and
7 registration plate or registration sticker, where applicable,
8 issued hereunder to such vehicles shall be issued for a fiscal
9 year commencing on July 1st of each registration year. However,
10 the Secretary of State may, pursuant to an agreement or
11 arrangement or declaration providing for apportionment of a
12 fleet of vehicles with other jurisdictions, provide for
13 registration of such vehicles under apportionment or for all of
14 the vehicles registered in Illinois by an applicant who
15 registers some of his vehicles under apportionment on a
16 calendar year basis instead, and the fees or taxes to be paid
17 on a calendar year basis shall be identical to those specified
18 in this Act for a fiscal year registration. Provision for
19 installment payment may also be made.

20 (e) Semitrailer registrations under apportionment may be
21 on a calendar year under a reciprocal agreement or arrangement
22 and all other semitrailer registrations shall be on fiscal year
23 or 2 fiscal year or 4 fiscal year basis as provided for in this
24 Chapter.

25 (f) The Secretary of State may convert annual registration
26 plates or 2-year registration plates, whether registered on a

1 calendar year or fiscal year basis, to multi-year plates. The
2 determination of which plate categories and when to convert to
3 multi-year plates is solely within the discretion of the
4 Secretary of State.

5 (g) After January 1, 1975, each registration, registration
6 card and registration plate or registration sticker, where
7 applicable, issued for a recreational vehicle or recreational
8 or camping trailer, except a house trailer, used exclusively by
9 the owner for recreational purposes, and not used commercially
10 nor as a truck or bus, nor for hire, shall be on a calendar year
11 basis; except that the Secretary of State shall provide for
12 registration and the issuance of registration cards and plates
13 or registration stickers, where applicable, for one 6-month
14 period in order to accomplish an orderly transition from a
15 fiscal year to a calendar year basis. Fees and taxes due under
16 this Act for a registration year shall be appropriately reduced
17 for such 6-month transitional registration period.

18 (h) The Secretary of State may, in order to accomplish an
19 orderly transition for vehicles registered under Section
20 3-402.1 of this Code from a calendar year registration to a
21 March 31st expiration, require applicants to pay fees and taxes
22 due under this Code on a 15 month registration basis. However,
23 if in the discretion of the Secretary of State this creates an
24 undue hardship on any applicant the Secretary may allow the
25 applicant to pay 3 month fees and taxes at the time of
26 registration and the additional 12 month fees and taxes to be

1 payable no later than March 31, 1992 ~~31 of the year after this~~
2 ~~amendatory Act of 1991 takes effect.~~

3 (i) The Secretary of State may stagger registrations, or
4 change the annual expiration date, as necessary for the
5 convenience of the public and the efficiency of his Office. In
6 order to appropriately and effectively accomplish any such
7 staggering, the Secretary of State is authorized to prorate all
8 required registration fees, rounded to the nearest dollar, but
9 in no event for a period longer than 18 months, at a monthly
10 rate for a 12 month registration fee.

11 (j) The Secretary of State may enter into an agreement with
12 a rental owner, as defined in Section 3-400 of this Code, who
13 registers a fleet of motor vehicles of the first division
14 pursuant to Section 3-405.3 of this Code to provide for the
15 registration of the rental owner's vehicles on a 2 or 3
16 calendar year basis and the issuance of multi-year registration
17 plates with a new registration card issued up to every 3 years.

18 (k) The Secretary of State may provide multi-year
19 registration cards for any registered fleet of motor vehicles
20 of the first or second division that are registered pursuant to
21 Section 3-405.3 of this Code. Each motor vehicle of the
22 registered fleet must carry an unique multi-year registration
23 card that displays the vehicle identification number of the
24 registered motor vehicle. The Secretary of State shall
25 promulgate rules in order to implement multi-year
26 registrations.

1 (1) Beginning with the 2018 registration year, the
2 Secretary of State may enter into an agreement with a rental
3 owner, as defined in Section 3-400 of this Code, who registers
4 a fleet of motor vehicles of the first division under Section
5 3-405.3 of this Code to provide for the registration of the
6 rental owner's vehicle on a 5 calendar year basis. Motor
7 vehicles registered on a 5 calendar year basis shall be issued
8 a distinct registration plate that expires on a 5-year cycle.
9 The Secretary may prorate the registration of these
10 registration plates to the length of time remaining in the
11 5-year cycle. The Secretary may adopt any rules necessary to
12 implement this subsection.

13 (Source: P.A. 99-80, eff. 1-1-16; 99-644, eff. 1-1-17; revised
14 10-26-16.)

15 (625 ILCS 5/3-506)

16 Sec. 3-506. Transfer of plates to spouses of military
17 service members. Upon the death of a military service member
18 who has been issued a special plate ~~plates~~ under Section
19 3-609.1, 3-620, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626,
20 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, 3-651, 3-666, 3-667,
21 3-668, 3-669, 3-676, 3-677, 3-680, 3-681, 3-683, 3-686, 3-688,
22 3-693, 3-698, or 3-699.12 of this Code, the surviving spouse of
23 that service member may retain the plate so long as that spouse
24 is a resident of Illinois and transfers the registration to his
25 or her name within 180 days of the death of the service member.

1 For the purposes of this Section, "service member" means
2 any individual who is serving or has served in any branch of
3 the United States Armed Forces, including the National Guard or
4 other reserve components of the Armed Forces, and has been
5 issued a special plate listed in this Section.

6 (Source: P.A. 99-805, eff. 1-1-17; revised 10-27-16.)

7 (625 ILCS 5/3-699.14)

8 Sec. 3-699.14. Universal special license plates.

9 (a) In addition to any other special license plate, the
10 Secretary, upon receipt of all applicable fees and applications
11 made in the form prescribed by the Secretary, may issue
12 Universal special license plates to residents of Illinois on
13 behalf of organizations that have been authorized by the
14 General Assembly to issue decals for Universal special license
15 plates. Appropriate documentation, as determined by the
16 Secretary, shall accompany each application. Authorized
17 organizations shall be designated by amendment to this Section.
18 When applying for a Universal special license plate the
19 applicant shall inform the Secretary of the name of the
20 authorized organization from which the applicant will obtain a
21 decal to place on the plate. The Secretary shall make a record
22 of that organization and that organization shall remain
23 affiliated with that plate until the plate is surrendered,
24 revoked, or otherwise cancelled. The authorized organization
25 may charge a fee to offset the cost of producing and

1 distributing the decal, but that fee shall be retained by the
2 authorized organization and shall be separate and distinct from
3 any registration fees charged by the Secretary. No decal,
4 sticker, or other material may be affixed to a Universal
5 special license plate other than a decal authorized by the
6 General Assembly in this Section or a registration renewal
7 sticker. The special plates issued under this Section shall be
8 affixed only to passenger vehicles of the first division,
9 including motorcycles and autocycles, or motor vehicles of the
10 second division weighing not more than 8,000 pounds. Plates
11 issued under this Section shall expire according to the
12 multi-year procedure under Section 3-414.1 of this Code.

13 (b) The design, color, and format of the Universal special
14 license plate shall be wholly within the discretion of the
15 Secretary. Universal special license plates are not required to
16 designate "Land of Lincoln", as prescribed in subsection (b) of
17 Section 3-412 of this Code. The design shall allow for the
18 application of a decal to the plate. Organizations authorized
19 by the General Assembly to issue decals for Universal special
20 license plates shall comply with rules adopted by the Secretary
21 governing the requirements for and approval of Universal
22 special license plate decals. The Secretary may, in his or her
23 discretion, allow Universal special license plates to be issued
24 as vanity or personalized plates in accordance with Section
25 3-405.1 of this Code. The Secretary of State must make a
26 version of the special registration plates authorized under

1 this Section in a form appropriate for motorcycles and
2 autocycles.

3 (c) When authorizing a Universal special license plate, the
4 General Assembly shall set forth whether an additional fee is
5 to be charged for the plate and, if a fee is to be charged, the
6 amount of the fee and how the fee is to be distributed. When
7 necessary, the authorizing language shall create a special fund
8 in the State treasury into which fees may be deposited for an
9 authorized Universal special license plate. Additional fees
10 may only be charged if the fee is to be paid over to a State
11 agency or to a charitable entity that is in compliance with the
12 registration and reporting requirements of the Charitable
13 Trust Act and the Solicitation for Charity Act. Any charitable
14 entity receiving fees for the sale of Universal special license
15 plates shall annually provide the Secretary of State a letter
16 of compliance issued by the Attorney General verifying that the
17 entity is in compliance with the Charitable Trust Act and the
18 Solicitation for Charity Act.

19 (d) Upon original issuance and for each registration
20 renewal period, in addition to the appropriate registration
21 fee, if applicable, the Secretary shall collect any additional
22 fees, if required, for issuance of Universal special license
23 plates. The fees shall be collected on behalf of the
24 organization designated by the applicant when applying for the
25 plate. All fees collected shall be transferred to the State
26 agency on whose behalf the fees were collected, or paid into

1 the special fund designated in the law authorizing the
2 organization to issue decals for Universal special license
3 plates. All money in the designated fund shall be distributed
4 by the Secretary subject to appropriation by the General
5 Assembly.

6 (e) The following organizations may issue decals for
7 Universal special license plates with the original and renewal
8 fees and fee distribution as follows:

9 (1) The Illinois Department of Natural Resources.

10 (A) Original issuance: \$25; with \$10 to the
11 Roadside Monarch Habitat Fund and \$15 to the Secretary
12 of State Special Plate Fund.

13 (B) Renewal: \$25; with \$23 to the Roadside Monarch
14 Habitat Fund and \$2 to the Secretary of State Special
15 Plate Fund.

16 (2) ~~(1)~~ Illinois Veterans' Homes.

17 (A) Original issuance: \$26, which shall be
18 deposited into the Illinois Veterans' Homes Fund.

19 (B) Renewal: \$26, which shall be deposited into the
20 Illinois Veterans' Homes Fund.

21 (f) The following funds are created as special funds in the
22 State treasury:

23 (1) The Roadside Monarch Habitat Fund. All moneys to be
24 paid as grants to the Illinois Department of Natural
25 Resources to fund roadside monarch and other pollinator
26 habitat development, enhancement, and restoration projects

1 in this State.

2 (Source: P.A. 99-483, eff. 7-1-16; 99-723, eff. 8-5-16; 99-814,
3 eff. 1-1-17; revised 9-12-16.)

4 (625 ILCS 5/3-704.1)

5 Sec. 3-704.1. Municipal vehicle tax liability; suspension
6 of registration.

7 (a) As used in this Section:

8 (1) "Municipality" means a city, village or
9 incorporated town with a population over 1,000,000.

10 (2) "Vehicle tax" means a motor vehicle tax and any
11 related late fees or charges imposed by a municipality
12 under Section 8-11-4 of ~~or~~ the Illinois Municipal Code or
13 under the municipality's home rule powers.

14 (3) "Vehicle owner" means the registered owner or
15 owners of a vehicle who are residents of the municipality.

16 (b) A municipality that imposes a vehicle tax may, by
17 ordinance adopted under this Section, establish a system
18 whereby the municipality notifies the Secretary of State of
19 vehicle tax liability and the Secretary of State suspends the
20 registration of vehicles for which the tax has not been paid.
21 An ordinance establishing a system must provide for the
22 following:

23 (1) A first notice for failure to pay a vehicle tax
24 shall be sent by first class mail to the vehicle owner at
25 the owner's address recorded with the Secretary of State

1 whenever the municipality has reasonable cause to believe
2 that the vehicle owner has failed to pay a vehicle tax as
3 required by ordinance. The notice shall include at least
4 the following:

5 (A) The name and address of the vehicle owner.

6 (B) The registration plate number of the vehicle.

7 (C) The period for which the vehicle tax is due.

8 (D) The amount of vehicle tax that is due.

9 (E) A statement that the vehicle owner's
10 registration for the vehicle will be subject to
11 suspension proceedings unless the vehicle owner pays
12 the vehicle tax or successfully contests the owner's
13 alleged liability within 30 days of the date of the
14 notice.

15 (F) An explanation of the vehicle owner's
16 opportunity to be heard under subsection (c).

17 (2) If a vehicle owner fails to pay the vehicle tax or
18 to contest successfully the owner's alleged liability
19 within the period specified in the first notice, a second
20 notice of impending registration suspension shall be sent
21 by first class mail to the vehicle owner at the owner's
22 address recorded with the Secretary of State. The notice
23 shall contain the same information as the first notice, but
24 shall also state that the failure to pay the amount owing,
25 or to contest successfully the alleged liability within 45
26 days of the date of the second notice, will result in the

1 municipality's notification of the Secretary of State that
2 the vehicle owner is eligible for initiation of suspension
3 proceedings under this Section.

4 (c) An ordinance adopted under this Section must also give
5 the vehicle owner an opportunity to be heard upon the filing of
6 a timely petition with the municipality. A vehicle owner may
7 contest the alleged tax liability either through an
8 adjudication by mail or at an administrative hearing, at the
9 option of the vehicle owner. The grounds upon which the
10 liability may be contested may be limited to the following:

11 (1) The alleged vehicle owner does not own the vehicle.

12 (2) The vehicle is not subject to the vehicle tax by
13 law.

14 (3) The vehicle tax for the period in question has been
15 paid.

16 At an administrative hearing, the formal or technical rules
17 of evidence shall not apply. The hearing shall be recorded. The
18 person conducting the hearing shall have the power to
19 administer oaths and to secure by subpoena the attendance and
20 testimony of witnesses and the production of relevant
21 documents.

22 (d) If a vehicle owner who has been sent a first notice of
23 failure to pay a vehicle tax and a second notice of impending
24 registration suspension fails to pay the vehicle tax or to
25 contest successfully the vehicle owner's liability within the
26 periods specified in the notices, the appropriate official

1 shall cause a certified report to be sent to the Secretary of
2 State under subsection (e).

3 (e) A report of a municipality notifying the Secretary of
4 State of a vehicle owner's failure to pay a vehicle tax or
5 related fines or penalties under this Section shall be
6 certified by the appropriate official and shall contain the
7 following:

8 (1) The name, last known address, and registration
9 plate number of the vehicle of the person who failed to pay
10 the vehicle tax.

11 (2) The name of the municipality making the report.

12 (3) A statement that the municipality sent notices as
13 required by subsection (b); the date on which the notices
14 were sent; the address to which the notices were sent; and
15 the date of the hearing, if any.

16 (f) Following receipt of the certified report under this
17 Section, the Secretary of State shall notify the vehicle owner
18 that the vehicle's registration will be suspended at the end of
19 a reasonable specified period of time unless the Secretary of
20 State is presented with a notice from the municipality
21 certifying that the person has paid the necessary vehicle tax,
22 or that inclusion of that person's name or registration number
23 on the certified report was in error. The Secretary's notice
24 shall state in substance the information contained in the
25 certified report from the municipality to the Secretary, and
26 shall be effective as specified by subsection (c) of Section

1 6-211 of this Code. The notice shall also inform the person of
2 the person's right to a hearing under subsection (g).

3 (g) An administrative hearing with the Office of the
4 Secretary of State to contest an impending suspension or a
5 suspension made under this Section may be had upon filing a
6 written request with the Secretary of State. The filing fee for
7 this hearing shall be \$20 to be paid at the time the request is
8 made.

9 (1) The scope of any administrative hearing with the
10 Secretary of State to contest an impending suspension under
11 this Section shall be limited to the following issues:

12 (A) Whether the report of the appropriate official
13 of the municipality was certified and contained the
14 information required by this Section.

15 (B) Whether the municipality making the certified
16 report to the Secretary of State established
17 procedures by ordinance for persons to challenge the
18 accuracy of the certified report.

19 (C) Whether the Secretary of State notified the
20 vehicle owner that the vehicle's registration would be
21 suspended at the end of the specified time period
22 unless the Secretary of State was presented with a
23 notice from the municipality certifying that the
24 person has purchased the necessary vehicle tax sticker
25 or that inclusion of that person's name or registration
26 number on the certified report was in error.

1 A municipality that files a certified report with the
2 Secretary of State under this Section shall reimburse the
3 Secretary for all reasonable costs incurred by the Secretary as
4 a result of the filing of the report, including but not limited
5 to the costs of providing the notice required under subsection
6 (f) and the costs incurred by the Secretary in any hearing
7 conducted with respect to the report under this subsection and
8 any appeal from that hearing.

9 (h) After the expiration of the time specified under
10 subsection (g), the Secretary of State shall, unless the
11 suspension is successfully contested, suspend the registration
12 of the vehicle until the Secretary receives notice under
13 subsection (i).

14 (i) Any municipality making a certified report to the
15 Secretary of State under this subsection shall notify the
16 Secretary of State, in a form prescribed by the Secretary,
17 whenever a person named in the certified report has
18 subsequently paid a vehicle tax or whenever the municipality
19 determines that the original report was in error. A certified
20 copy of the notification shall also be given upon request and
21 at no additional charge to the person named in the report. Upon
22 receipt of the notification or presentation of a certified copy
23 of the notification by the municipality, the Secretary of State
24 shall terminate the suspension.

25 (j) To facilitate enforcement of municipal vehicle tax
26 liability, a municipality may provide by ordinance for a

1 program of vehicle immobilization as provided by Section
2 11-1430.1 of this Code.

3 (Source: P.A. 97-937, eff. 8-10-12; revised 9-14-16.)

4 (625 ILCS 5/3-809) (from Ch. 95 1/2, par. 3-809)

5 Sec. 3-809. Farm machinery, exempt vehicles and fertilizer
6 spreaders; registration ~~spreaders—registration~~ fee.

7 (a) Vehicles of the second division having a corn sheller,
8 a well driller, hay press, clover huller, feed mixer and
9 unloader, or other farm machinery permanently mounted thereon
10 and used solely for transporting the same, farm wagon type
11 trailers having a fertilizer spreader attachment permanently
12 mounted thereon, having a gross weight of not to exceed 36,000
13 pounds and used only for the transportation of bulk fertilizer,
14 and farm wagon type tank trailers of not to exceed 3,000
15 gallons capacity, used during the liquid fertilizer season as
16 field-storage "nurse tanks" supplying the fertilizer to a field
17 applicator and moved on highways only for bringing the
18 fertilizer from a local source of supply to farm or field or
19 from one farm or field to another, or used during the lime
20 season and moved on the highways only for bringing from a local
21 source of supply to farm or field or from one farm or field to
22 another, shall be registered upon the filing of a proper
23 application and the payment of a registration fee of \$13 per
24 2-year registration period. This registration fee of \$13 shall
25 be paid in full and shall not be reduced even though such

1 registration is made after the beginning of the registration
2 period.

3 (b) Vehicles exempt from registration under the provisions
4 of Section 3-402.A of this Act, as amended, except those
5 vehicles required to be registered under paragraph (c) of this
6 Section, may, at the option of the owner, be identified as
7 exempt vehicles by displaying registration plates issued by the
8 Secretary of State. The owner thereof may apply for such
9 permanent, non-transferable registration plates upon the
10 filing of a proper application and the payment of a
11 registration fee of \$13. The application for and display of
12 such registration plates for identification purposes by
13 vehicles exempt from registration shall not be deemed as a
14 waiver or rescission ~~reversion~~ of its exempt status, nor make
15 such vehicle subject to registration. Nothing in this Section
16 prohibits the towing of another vehicle by the exempt vehicle
17 if the towed vehicle:

18 (i) does not exceed the registered weight of 8,000
19 pounds;

20 (ii) is used exclusively for transportation to and from
21 the work site;

22 (iii) is not used for carrying counter weights or other
23 material related to the operation of the exempt vehicle
24 while under tow; and

25 (iv) displays proper and current registration plates.

26 (c) Any single unit self-propelled agricultural fertilizer

1 implement, designed for both on and off road use, equipped with
2 flotation tires and otherwise specially adapted for the
3 application of plant food materials or agricultural chemicals,
4 desiring to be operated upon the highways ladened with load
5 shall be registered upon the filing of a proper application and
6 payment of a registration fee of \$250. The registration fee
7 shall be paid in full and shall not be reduced even though such
8 registration is made during the second half of the registration
9 year. These vehicles shall, whether loaded or unloaded, be
10 limited to a maximum gross weight of 36,000 pounds, restricted
11 to a highway speed of not more than 30 miles per hour and a
12 legal width of not more than 12 feet. Such vehicles shall be
13 limited to the furthering of agricultural or horticultural
14 pursuits and in furtherance of these pursuits, such vehicles
15 may be operated upon the highway, within a 50 mile radius of
16 their point of loading as indicated on the written or printed
17 statement required by the "Illinois Fertilizer Act of 1961", ~~as~~
18 ~~amended~~, for the purpose of moving plant food materials or
19 agricultural chemicals to the field, or from field to field,
20 for the sole purpose of application.

21 No single unit self-propelled agricultural fertilizer
22 implement, designed for both on and off road use, equipped with
23 flotation tires and otherwise specially adapted for the
24 application of plant food materials or agricultural chemicals,
25 having a width of more than 12 feet or a gross weight in excess
26 of 36,000 pounds, shall be permitted to operate upon the

1 highways ladened with load.

2 Whenever any vehicle is operated in violation of subsection
3 (c) of this Section ~~3-809 (c) of this Act~~, the owner or the
4 driver of such vehicle shall be deemed guilty of a petty
5 offense and either may be prosecuted for such violation.

6 (Source: P.A. 96-665, eff. 1-1-10; revised 9-14-16.)

7 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

8 Sec. 6-106. Application for license or instruction permit.

9 (a) Every application for any permit or license authorized
10 to be issued under this Code shall be made upon a form
11 furnished by the Secretary of State. Every application shall be
12 accompanied by the proper fee and payment of such fee shall
13 entitle the applicant to not more than 3 attempts to pass the
14 examination within a period of one year after the date of
15 application.

16 (b) Every application shall state the legal name, social
17 security number, zip code, date of birth, sex, and residence
18 address of the applicant; briefly describe the applicant; state
19 whether the applicant has theretofore been licensed as a
20 driver, and, if so, when and by what state or country, and
21 whether any such license has ever been cancelled, suspended,
22 revoked or refused, and, if so, the date and reason for such
23 cancellation, suspension, revocation or refusal; shall include
24 an affirmation by the applicant that all information set forth
25 is true and correct; and shall bear the applicant's signature.

1 In addition to the residence address, the Secretary may allow
2 the applicant to provide a mailing address. In the case of an
3 applicant who is a judicial officer or peace officer, the
4 Secretary may allow the applicant to provide an office or work
5 address in lieu of a residence or mailing address. The
6 application form may also require the statement of such
7 additional relevant information as the Secretary of State shall
8 deem necessary to determine the applicant's competency and
9 eligibility. The Secretary of State may, in his discretion, by
10 rule or regulation, provide that an application for a drivers
11 license or permit may include a suitable photograph of the
12 applicant in the form prescribed by the Secretary, and he may
13 further provide that each drivers license shall include a
14 photograph of the driver. The Secretary of State may utilize a
15 photograph process or system most suitable to deter alteration
16 or improper reproduction of a drivers license and to prevent
17 substitution of another photo thereon. For the purposes of this
18 subsection (b), "peace officer" means any person who by virtue
19 of his or her office or public employment is vested by law with
20 a duty to maintain public order or to make arrests for a
21 violation of any penal statute of this State, whether that duty
22 extends to all violations or is limited to specific violations.

23 (b-5) Beginning July 1, 2017, every applicant for a
24 driver's license or permit shall provide proof of lawful status
25 in the United States as defined in 6 CFR 37.3, as amended.
26 Applicants who are unable to provide the Secretary with proof

1 of lawful status may apply for a driver's license or permit
2 under Section 6-105.1 of this Code.

3 (c) The application form shall include a notice to the
4 applicant of the registration obligations of sex offenders
5 under the Sex Offender Registration Act. The notice shall be
6 provided in a form and manner prescribed by the Secretary of
7 State. For purposes of this subsection (c), "sex offender" has
8 the meaning ascribed to it in Section 2 of the Sex Offender
9 Registration Act.

10 (d) Any male United States citizen or immigrant who applies
11 for any permit or license authorized to be issued under this
12 Code or for a renewal of any permit or license, and who is at
13 least 18 years of age but less than 26 years of age, must be
14 registered in compliance with the requirements of the federal
15 Military Selective Service Act. The Secretary of State must
16 forward in an electronic format the necessary personal
17 information regarding the applicants identified in this
18 subsection (d) to the Selective Service System. The applicant's
19 signature on the application serves as an indication that the
20 applicant either has already registered with the Selective
21 Service System or that he is authorizing the Secretary to
22 forward to the Selective Service System the necessary
23 information for registration. The Secretary must notify the
24 applicant at the time of application that his signature
25 constitutes consent to registration with the Selective Service
26 System, if he is not already registered.

1 (e) Beginning on or before July 1, 2015, for each original
2 or renewal driver's license application under this Code, the
3 Secretary shall inquire as to whether the applicant is a
4 veteran for purposes of issuing a driver's license with a
5 veteran designation under subsection (e-5) of Section 6-110 of
6 this Code. The acceptable forms of proof shall include, but are
7 not limited to, Department of Defense form DD-214. The Illinois
8 Department of Veterans' Affairs shall advise the Secretary as
9 to what other forms of proof of a person's status as a veteran
10 are acceptable.

11 The Illinois Department of Veterans' Affairs shall confirm
12 the status of the applicant as an honorably discharged veteran
13 before the Secretary may issue the driver's license.

14 For purposes of this subsection (e):

15 "Armed forces" means any of the Armed Forces of the United
16 States, including a member of any reserve component or National
17 Guard unit.

18 "Veteran" means a person who has served in the armed forces
19 and was discharged or separated under honorable conditions.

20 (Source: P.A. 98-323, eff. 1-1-14; 98-463, eff. 8-16-13;
21 98-756, eff. 7-16-14; 99-511, eff. 1-1-17; 99-544, eff.
22 7-15-16; revised 9-13-16.)

23 (625 ILCS 5/7-311) (from Ch. 95 1/2, par. 7-311)

24 Sec. 7-311. Payments sufficient to satisfy requirements.

25 (a) Judgments herein referred to arising out of motor

1 vehicle accidents occurring on or after January 1, 2015 (the
2 effective date of Public Act 98-519) shall for the purpose of
3 this Chapter be deemed satisfied:

4 1. when ~~When~~ \$25,000 has been credited upon any
5 judgment or judgments rendered in excess of that amount for
6 bodily injury to or the death of one person as the result
7 of any one motor vehicle accident; or

8 2. when ~~When~~, subject to said limit of \$25,000 as to
9 any one person, the sum of \$50,000 has been credited upon
10 any judgment or judgments rendered in excess of that amount
11 for bodily injury to or the death of more than one person
12 as the result of any one motor vehicle accident; or

13 3. when ~~When~~ \$20,000 has been credited upon any
14 judgment or judgments, rendered in excess of that amount
15 for damages to property of others as a result of any one
16 motor vehicle accident.

17 The changes to this subsection made by Public Act 98-519
18 apply only to policies issued or renewed on or after January 1,
19 2015.

20 (b) Credit for such amounts shall be deemed a satisfaction
21 of any such judgment or judgments in excess of said amounts
22 only for the purposes of this Chapter.

23 (c) Whenever payment has been made in settlement of any
24 claim for bodily injury, death, or property damage arising from
25 a motor vehicle accident resulting in injury, death, or
26 property damage to two or more persons in such accident, any

1 such payment shall be credited in reduction of the amounts
2 provided for in this Section.

3 (Source: P.A. 98-519, eff. 1-1-15; 99-78, eff. 7-20-15; revised
4 9-16-16.)

5 (625 ILCS 5/11-905) (from Ch. 95 1/2, par. 11-905)

6 Sec. 11-905. Merging traffic. Notwithstanding ~~Not~~
7 ~~withstanding~~ the right-of-way ~~right-of-way~~ provision in Section
8 ~~Sec.~~ 11-901 of this Act, at an intersection where traffic lanes
9 are provided for merging traffic the driver of each vehicle on
10 the converging roadways is required to adjust his vehicular
11 speed and lateral position so as to avoid a collision with
12 another vehicle.

13 (Source: P.A. 81-860; revised 9-16-16.)

14 (625 ILCS 5/11-907) (from Ch. 95 1/2, par. 11-907)

15 Sec. 11-907. Operation of vehicles and streetcars on
16 approach of authorized emergency vehicles.

17 (a) Upon the immediate approach of an authorized emergency
18 vehicle making use of audible and visual signals meeting the
19 requirements of this Code or a police vehicle properly and
20 lawfully making use of an audible or visual signal:7

21 (1) the driver of every other vehicle shall yield the
22 right-of-way and shall immediately drive to a position
23 parallel to, and as close as possible to, the right-hand
24 edge or curb of the highway clear of any intersection and

1 shall, if necessary to permit the safe passage of the
2 emergency vehicle, stop and remain in such position until
3 the authorized emergency vehicle has passed, unless
4 otherwise directed by a police officer; and

5 (2) the operator of every streetcar shall immediately
6 stop such car clear of any intersection and keep it in such
7 position until the authorized emergency vehicle has
8 passed, unless otherwise directed by a police officer.

9 (b) This Section shall not operate to relieve the driver of
10 an authorized emergency vehicle from the duty to drive with due
11 regard for the safety of all persons using the highway.

12 (c) Upon approaching a stationary authorized emergency
13 vehicle, when the authorized emergency vehicle is giving a
14 signal by displaying alternately flashing red, red and white,
15 blue, or red and blue lights or amber or yellow warning lights,
16 a person who drives an approaching vehicle shall:

17 (1) proceeding with due caution, yield the
18 right-of-way by making a lane change into a lane not
19 adjacent to that of the authorized emergency vehicle, if
20 possible with due regard to safety and traffic conditions,
21 if on a highway having at least 4 lanes with not less than
22 2 lanes proceeding in the same direction as the approaching
23 vehicle; or

24 (2) proceeding with due caution, reduce the speed of
25 the vehicle, maintaining a safe speed for road conditions,
26 if changing lanes would be impossible or unsafe.

1 As used in this subsection (c), "authorized emergency
2 vehicle" includes any vehicle authorized by law to be equipped
3 with oscillating, rotating, or flashing lights under Section
4 12-215 of this Code, while the owner or operator of the vehicle
5 is engaged in his or her official duties.

6 (d) A person who violates subsection (c) of this Section
7 commits a business offense punishable by a fine of not less
8 than \$100 or more than \$10,000. It is a factor in aggravation
9 if the person committed the offense while in violation of
10 Section 11-501 of this Code. Imposition of the penalties
11 authorized by this subsection (d) for a violation of subsection
12 (c) of this Section that results in the death of another person
13 does not preclude imposition of appropriate additional civil or
14 criminal penalties.

15 (e) If a violation of subsection (c) of this Section
16 results in damage to the property of another person, in
17 addition to any other penalty imposed, the person's driving
18 privileges shall be suspended for a fixed period of not less
19 than 90 days and not more than one year.

20 (f) If a violation of subsection (c) of this Section
21 results in injury to another person, in addition to any other
22 penalty imposed, the person's driving privileges shall be
23 suspended for a fixed period of not less than 180 days and not
24 more than 2 years.

25 (g) If a violation of subsection (c) of this Section
26 results in the death of another person, in addition to any

1 other penalty imposed, the person's driving privileges shall be
2 suspended for 2 years.

3 (h) The Secretary of State shall, upon receiving a record
4 of a judgment entered against a person under subsection (c) of
5 this Section:

6 (1) suspend the person's driving privileges for the
7 mandatory period; or

8 (2) extend the period of an existing suspension by the
9 appropriate mandatory period.

10 (Source: P.A. 95-884, eff. 1-1-09; revised 9-16-16.)

11 (625 ILCS 5/11-908) (from Ch. 95 1/2, par. 11-908)

12 Sec. 11-908. Vehicle approaching or entering a highway
13 construction or maintenance area or zone.

14 (a) The driver of a vehicle shall yield the right-of-way
15 ~~right-of-way~~ to any authorized vehicle or pedestrian actually
16 engaged in work upon a highway within any highway construction
17 or maintenance area indicated by official traffic-control
18 devices.

19 (a-1) Upon entering a construction or maintenance zone when
20 workers are present, a person who drives a vehicle shall:

21 (1) proceeding with due caution, make a lane change
22 into a lane not adjacent to that of the workers present, if
23 possible with due regard to safety and traffic conditions,
24 if on a highway having at least 4 lanes with not less than
25 2 lanes proceeding in the same direction as the approaching

1 vehicle; or

2 (2) proceeding with due caution, reduce the speed of
3 the vehicle, maintaining a safe speed for road conditions,
4 if changing lanes would be impossible or unsafe.

5 (a-2) A person who violates subsection (a-1) of this
6 Section commits a business offense punishable by a fine of not
7 less than \$100 and not more than \$10,000. It is a factor in
8 aggravation if the person committed the offense while in
9 violation of Section 11-501 of this Code.

10 (a-3) If a violation of subsection (a-1) of this Section
11 results in damage to the property of another person, in
12 addition to any other penalty imposed, the person's driving
13 privileges shall be suspended for a fixed period of not less
14 than 90 days and not more than one year.

15 (a-4) If a violation of subsection (a-1) of this Section
16 results in injury to another person, in addition to any other
17 penalty imposed, the person's driving privileges shall be
18 suspended for a fixed period of not less than 180 days and not
19 more than 2 years.

20 (a-5) If a violation of subsection (a-1) of this Section
21 results in the death of another person, in addition to any
22 other penalty imposed, the person's driving privileges shall be
23 suspended for 2 years.

24 (a-6) The Secretary of State shall, upon receiving a record
25 of a judgment entered against a person under subsection (a-1)
26 of this Section:

1 (1) suspend the person's driving privileges for the
2 mandatory period; or

3 (2) extend the period of an existing suspension by the
4 appropriate mandatory period.

5 (b) The driver of a vehicle shall yield the right-of-way
6 ~~right-of-way~~ to any authorized vehicle obviously and actually
7 engaged in work upon a highway whenever the vehicle engaged in
8 construction or maintenance work displays flashing lights as
9 provided in Section 12-215 of this Act.

10 (c) The driver of a vehicle shall stop if signaled to do so
11 by a flagger or a traffic control signal and remain in such
12 position until signaled to proceed. If a driver of a vehicle
13 fails to stop when signaled to do so by a flagger, the flagger
14 is authorized to report such offense to the State's Attorney or
15 authorized prosecutor. The penalties imposed for a violation of
16 this subsection (c) shall be in addition to any penalties
17 imposed for a violation of subsection (a-1).

18 (Source: P.A. 92-872, eff. 6-1-03; 93-705, eff. 7-9-04; revised
19 9-16-16.)

20 (625 ILCS 5/11-1431)

21 Sec. 11-1431. Solicitations at accident or disablement
22 scene prohibited.

23 (a) A tower, as defined by Section 1-205.2 of this Code, or
24 an employee or agent of a tower may not: (i) stop at the scene
25 of a motor vehicle accident or at or near a damaged or disabled

1 vehicle for the purpose of soliciting the owner or operator of
2 the damaged or disabled vehicle to enter into a towing service
3 transaction; or (ii) stop at the scene of an accident or at or
4 near a damaged or disabled vehicle unless called to the
5 location by a law enforcement officer, the Illinois Department
6 of Transportation, the Illinois State Toll Highway Authority, a
7 local agency having jurisdiction over the highway, the owner or
8 operator of the damaged or disabled vehicle, or the owner or
9 operator's authorized agent, including his or her insurer or
10 motor club of which the owner or operator is a member. This
11 Section shall not apply to employees of the Department, the
12 Illinois State Toll Highway Authority, or local agencies when
13 engaged in their official duties. Nothing in this Section shall
14 prevent a tower from stopping at the scene of a motor vehicle
15 accident or at or near a damaged or disabled vehicle if the
16 owner or operator signals the tower for assistance from the
17 location of the motor vehicle accident or damaged or disabled
18 vehicle.

19 (b) A person or company who violates this Section is guilty
20 of a Class 4 felony. A person convicted of violating this
21 Section shall also have his or her driver's license, permit, or
22 privileges suspended for 3 months. After the expiration of the
23 3-month ~~3-month~~ suspension, the person's driver's license,
24 permit, or privileges shall not be reinstated until he or she
25 has paid a reinstatement fee of \$100. If a person violates this
26 Section while his or her driver's license, permit, or

1 privileges are suspended under this subsection (b), his or her
2 driver's license, permit, or privileges shall be suspended for
3 an additional 6 months, and shall not be reinstated after the
4 expiration of the 6-month ~~6-month~~ suspension until he or she
5 pays a reinstatement fee of \$100. A vehicle owner, or his or
6 her authorized agent or automobile insurer, may bring a claim
7 against a company or person who willfully and materially
8 violates this Section. A court may award the prevailing party
9 reasonable attorney's fees, costs, and expenses relating to
10 that action.

11 (Source: P.A. 99-438, eff. 1-1-16; 99-848, eff. 8-19-16;
12 revised 10-27-16.)

13 (625 ILCS 5/15-107) (from Ch. 95 1/2, par. 15-107)

14 Sec. 15-107. Length of vehicles.

15 (a) The maximum length of a single vehicle on any highway
16 of this State may not exceed 42 feet except the following:

17 (1) Semitrailers.

18 (2) Charter or regulated route buses may be up to 45
19 feet in length, not including energy absorbing bumpers.

20 (a-1) A motor home as defined in Section 1-145.01 may be up
21 to 45 feet in length, not including energy absorbing bumpers.
22 The length limitations described in this subsection (a-1) shall
23 be exclusive of energy-absorbing bumpers and rear view mirrors.

24 (b) On all non-State highways, the maximum length of
25 vehicles in combinations is as follows:

1 (1) A truck tractor in combination with a semitrailer
2 may not exceed 55 feet overall dimension.

3 (2) A truck tractor-semitrailer-trailer or truck
4 tractor semitrailer-semitrailer may not exceed 60 feet
5 overall dimension.

6 (3) Combinations specially designed to transport motor
7 vehicles or boats may not exceed 60 feet overall dimension.

8 Vehicles operating during daylight hours when transporting
9 poles, pipes, machinery, or other objects of a structural
10 nature that cannot readily be dismembered are exempt from
11 length limitations, provided that no object may exceed 80 feet
12 in length and the overall dimension of the vehicle including
13 the load may not exceed 100 feet. This exemption does not apply
14 to operation on a Saturday, Sunday, or legal holiday. Legal
15 holidays referred to in this Section are the days on which the
16 following traditional holidays are celebrated: New Year's Day;
17 Memorial Day; Independence Day; Labor Day; Thanksgiving Day;
18 and Christmas Day.

19 Vehicles and loads operated by a public utility while en
20 route to make emergency repairs to public service facilities or
21 properties are exempt from length limitations, provided that
22 during night operations every vehicle and its load must be
23 equipped with a sufficient number of clearance lamps on both
24 sides and marker lamps on the extreme ends of any projecting
25 load to clearly mark the dimensions of the load.

26 A tow truck in combination with a disabled vehicle or

1 combination of disabled vehicles, as provided in paragraph (6)
2 of subsection (c) of this Section, is exempt from length
3 limitations.

4 All other combinations not listed in this subsection (b)
5 may not exceed 60 feet overall dimension.

6 (c) Except as provided in subsections (c-1) and (c-2),
7 combinations of vehicles may not exceed a total of 2 vehicles
8 except the following:

9 (1) A truck tractor semitrailer may draw one trailer.

10 (2) A truck tractor semitrailer may draw one converter
11 dolly or one semitrailer.

12 (3) A truck tractor semitrailer may draw one vehicle
13 that is defined in Chapter 1 as special mobile equipment,
14 provided the overall dimension does not exceed 60 feet.

15 (4) A truck in transit may draw 3 trucks in transit
16 coupled together by the triple saddlemount method.

17 (5) Recreational vehicles consisting of 3 vehicles,
18 provided the following:

19 (A) The total overall dimension does not exceed 60
20 feet.

21 (B) The towing vehicle is a properly registered
22 vehicle capable of towing another vehicle using a
23 fifth-wheel type assembly.

24 (C) The second vehicle in the combination of
25 vehicles is a recreational vehicle that is towed by a
26 fifth-wheel assembly. This vehicle must be properly

1 registered and must be equipped with brakes,
2 regardless of weight.

3 (D) The third vehicle must be the lightest of the 3
4 vehicles and be a trailer or semitrailer designed or
5 used for transporting a boat, all-terrain vehicle,
6 personal watercraft, or motorcycle.

7 (E) The towed vehicles may be only for the use of
8 the operator of the towing vehicle.

9 (F) All vehicles must be properly equipped with
10 operating brakes and safety equipment required by this
11 Code, except the additional brake requirement in
12 subdivision (C) of this subparagraph (5).

13 (6) A tow truck in combination with a disabled vehicle
14 or combination of disabled vehicles, provided the towing
15 vehicle:

16 (A) Is specifically designed as a tow truck having
17 a gross vehicle weight rating of at least 18,000 pounds
18 and equipped with air brakes, provided that air brakes
19 are required only if the towing vehicle is towing a
20 vehicle, semitrailer, or tractor-trailer combination
21 that is equipped with air brakes. For the purpose of
22 this subsection, gross vehicle weight rating, or GVWR,
23 means the value specified by the manufacturer as the
24 loaded weight of the tow truck.

25 (B) Is equipped with flashing, rotating, or
26 oscillating amber lights, visible for at least 500 feet

1 in all directions.

2 (C) Is capable of utilizing the lighting and
3 braking systems of the disabled vehicle or combination
4 of vehicles.

5 (D) Does not engage a tow exceeding 50 highway
6 miles from the initial point of wreck or disablement to
7 a place of repair. Any additional movement of the
8 vehicles may occur only upon issuance of authorization
9 for that movement under the provisions of Sections
10 15-301 through 15-319 of this Code.

11 The Department may by rule or regulation prescribe
12 additional requirements regarding length limitations for a
13 tow truck towing another vehicle.

14 For purposes of this Section, a tow-dolly that merely
15 serves as substitute wheels for another legally licensed
16 vehicle is considered part of the licensed vehicle and not
17 a separate vehicle.

18 (7) Commercial vehicles consisting of 3 vehicles,
19 provided the following:

20 (A) The total overall dimension does not exceed 65
21 feet.

22 (B) The towing vehicle is a properly registered
23 vehicle capable of towing another vehicle using a
24 fifth-wheel type assembly or a goose-neck hitch ball.

25 (C) The third vehicle must be the lightest of the 3
26 vehicles and be a trailer or semitrailer.

1 (D) All vehicles must be properly equipped with
2 operating brakes and safety equipment required by this
3 Code.

4 (E) The combination of vehicles must be operated by
5 a person who holds a commercial driver's license (CDL).

6 (F) The combination of vehicles must be en route to
7 a location where new or used trailers are sold by an
8 Illinois or out-of-state licensed new or used trailer
9 dealer.

10 (c-1) A combination of 3 vehicles is allowed access to any
11 State designated highway if:

12 (1) the length of neither towed vehicle exceeds 28.5
13 feet;

14 (2) the overall wheel base of the combination of
15 vehicles does not exceed 62 feet; and

16 (3) the combination of vehicles is en route to a
17 location where new or used trailers are sold by an Illinois
18 or out-of-state licensed new or used trailer dealer.

19 (c-2) A combination of 3 vehicles is allowed access from
20 any State designated highway onto any county, township, or
21 municipal highway for a distance of 5 highway miles for the
22 purpose of delivery or collection of one or both of the towed
23 vehicles if:

24 (1) the length of neither towed vehicle exceeds 28.5
25 feet;

26 (2) the combination of vehicles does not exceed 40,000

1 pounds in gross weight and 8 feet 6 inches in width;

2 (3) there is no sign prohibiting that access;

3 (4) the route is not being used as a thoroughfare
4 between State designated highways; and

5 (5) the combination of vehicles is en route to a
6 location where new or used trailers are sold by an Illinois
7 or out-of-state licensed new or used trailer dealer.

8 (d) On Class I highways there are no overall length
9 limitations on motor vehicles operating in combinations
10 provided:

11 (1) The length of a semitrailer, unladen or with load,
12 in combination with a truck tractor may not exceed 53 feet.

13 (2) The distance between the kingpin and the center of
14 the rear axle of a semitrailer longer than 48 feet, in
15 combination with a truck tractor, may not exceed 45 feet 6
16 inches. The limit contained in this paragraph (2) shall not
17 apply to trailers or semi-trailers used for the transport
18 of livestock as defined by Section 18b-101.

19 (3) The length of a semitrailer or trailer, unladen or
20 with load, operated in a truck tractor-semitrailer-trailer
21 or truck tractor semitrailer-semitrailer combination, may
22 not exceed 28 feet 6 inches.

23 (4) Maxi-cube combinations, as defined in Chapter 1,
24 may not exceed 65 feet overall dimension.

25 (5) Combinations of vehicles specifically designed to
26 transport motor vehicles or boats may not exceed 65 feet

1 overall dimension. The length limitation is inclusive of
2 front and rear bumpers but exclusive of the overhang of the
3 transported vehicles, as provided in paragraph (i) of this
4 Section.

5 (6) Stinger-steered ~~Stinger-steered~~ semitrailer
6 vehicles specifically designed to transport motor vehicles
7 or boats and automobile transporters, as defined in Chapter
8 1, may not exceed 80 feet overall dimension. The length
9 limitation is inclusive of front and rear bumpers but
10 exclusive of the overhang of the transported vehicles, as
11 provided in paragraph (i) of this Section.

12 (7) A truck in transit transporting 3 trucks coupled
13 together by the triple saddlemount method may not exceed 97
14 feet overall dimension.

15 (8) A towaway trailer transporter combination may not
16 exceed 82 feet overall dimension.

17 Vehicles operating during daylight hours when transporting
18 poles, pipes, machinery, or other objects of a structural
19 nature that cannot readily be dismembered are exempt from
20 length limitations, provided that no object may exceed 80 feet
21 in length and the overall dimension of the vehicle including
22 the load may not exceed 100 feet. This exemption does not apply
23 to operation on a Saturday, Sunday, or legal holiday. Legal
24 holidays referred to in this Section are the days on which the
25 following traditional holidays are celebrated: New Year's Day;
26 Memorial Day; Independence Day; Labor Day; Thanksgiving Day;

1 and Christmas Day.

2 Vehicles and loads operated by a public utility while en
3 route to make emergency repairs to public service facilities or
4 properties are exempt from length limitations, provided that
5 during night operations every vehicle and its load must be
6 equipped with a sufficient number of clearance lamps on both
7 sides and marker lamps on the extreme ends of any projecting
8 load to clearly mark the dimensions of the load.

9 A tow truck in combination with a disabled vehicle or
10 combination of disabled vehicles, as provided in paragraph (6)
11 of subsection (c) of this Section, is exempt from length
12 limitations.

13 The length limitations described in this paragraph (d)
14 shall be exclusive of safety and energy conservation devices,
15 such as bumpers, refrigeration units or air compressors and
16 other devices, that the Department may interpret as necessary
17 for safe and efficient operation; except that no device
18 excluded under this paragraph shall have by its design or use
19 the capability to carry cargo.

20 Section 5-35 of the Illinois Administrative Procedure Act
21 relating to procedures for rulemaking shall not apply to the
22 designation of highways under this paragraph (d).

23 (e) On Class II highways there are no overall length
24 limitations on motor vehicles operating in combinations,
25 provided:

26 (1) The length of a semitrailer, unladen or with load,

1 in combination with a truck tractor, may not exceed 53 feet
2 overall dimension.

3 (2) The distance between the kingpin and the center of
4 the rear axle of a semitrailer longer than 48 feet, in
5 combination with a truck tractor, may not exceed 45 feet 6
6 inches. The limit contained in this paragraph (2) shall not
7 apply to trailers or semi-trailers used for the transport
8 of livestock as defined by Section 18b-101.

9 (3) A truck tractor-semitrailer-trailer or truck
10 tractor semitrailer-semitrailer combination may not exceed
11 65 feet in dimension from front axle to rear axle.

12 (4) The length of a semitrailer or trailer, unladen or
13 with load, operated in a truck tractor-semitrailer-trailer
14 or truck tractor semitrailer-semitrailer combination, may
15 not exceed 28 feet 6 inches.

16 (5) Maxi-cube combinations, as defined in Chapter 1,
17 may not exceed 65 feet overall dimension.

18 (6) A combination of vehicles, specifically designed
19 to transport motor vehicles or boats, may not exceed 65
20 feet overall dimension. The length limitation is inclusive
21 of front and rear bumpers but exclusive of the overhang of
22 the transported vehicles, as provided in paragraph (i) of
23 this Section.

24 (7) Stinger-steered ~~Stinger-steered~~ semitrailer
25 vehicles specifically designed to transport motor vehicles
26 or boats, may not exceed 80 feet overall dimension. The

1 length limitation is inclusive of front and rear bumpers
2 but exclusive of the overhang of the transported vehicles,
3 as provided in paragraph (i) of this Section.

4 (8) A truck in transit transporting 3 trucks coupled
5 together by the triple saddlemount method may not exceed 97
6 feet overall dimension.

7 (9) A towaway trailer transporter combination may not
8 exceed 82 feet overall dimension.

9 Vehicles operating during daylight hours when transporting
10 poles, pipes, machinery, or other objects of a structural
11 nature that cannot readily be dismembered are exempt from
12 length limitations, provided that no object may exceed 80 feet
13 in length and the overall dimension of the vehicle including
14 the load may not exceed 100 feet. This exemption does not apply
15 to operation on a Saturday, Sunday, or legal holiday. Legal
16 holidays referred to in this Section are the days on which the
17 following traditional holidays are celebrated: New Year's Day;
18 Memorial Day; Independence Day; Labor Day; Thanksgiving Day;
19 and Christmas Day.

20 Vehicles and loads operated by a public utility while en
21 route to make emergency repairs to public service facilities or
22 properties are exempt from length limitations, provided that
23 during night operations every vehicle and its load must be
24 equipped with a sufficient number of clearance lamps on both
25 sides and marker lamps on the extreme ends of any projecting
26 load to clearly mark the dimensions of the load.

1 A tow truck in combination with a disabled vehicle or
2 combination of disabled vehicles, as provided in paragraph (6)
3 of subsection (c) of this Section, is exempt from length
4 limitations.

5 Local authorities, with respect to streets and highways
6 under their jurisdiction, may also by ordinance or resolution
7 allow length limitations of this subsection (e).

8 The length limitations described in this paragraph (e)
9 shall be exclusive of safety and energy conservation devices,
10 such as bumpers, refrigeration units or air compressors and
11 other devices, that the Department may interpret as necessary
12 for safe and efficient operation; except that no device
13 excluded under this paragraph shall have by its design or use
14 the capability to carry cargo.

15 Section 5-35 of the Illinois Administrative Procedure Act
16 relating to procedures for rulemaking shall not apply to the
17 designation of highways under this paragraph (e).

18 (e-1) Combinations of vehicles not exceeding 65 feet
19 overall length are allowed access as follows:

20 (1) From any State designated highway onto any county,
21 township, or municipal highway for a distance of 5 highway
22 miles for the purpose of loading and unloading, provided:

23 (A) The vehicle does not exceed 80,000 pounds in
24 gross weight and 8 feet 6 inches in width.

25 (B) There is no sign prohibiting that access.

26 (C) The route is not being used as a thoroughfare

1 between State designated highways.

2 (2) From any State designated highway onto any county
3 or township highway for a distance of 5 highway miles or
4 onto any municipal highway for a distance of one highway
5 mile for the purpose of food, fuel, repairs, and rest,
6 provided:

7 (A) The vehicle does not exceed 80,000 pounds in
8 gross weight and 8 feet 6 inches in width.

9 (B) There is no sign prohibiting that access.

10 (C) The route is not being used as a thoroughfare
11 between State designated highways.

12 (e-2) Except as provided in subsection (e-3), combinations
13 of vehicles over 65 feet in length, with no overall length
14 limitation except as provided in subsections (d) and (e) of
15 this Section, are allowed access as follows:

16 (1) From a Class I highway onto any street or highway
17 for a distance of one highway mile for the purpose of
18 loading, unloading, food, fuel, repairs, and rest,
19 provided there is no sign prohibiting that access.

20 (2) From a Class I or Class II highway onto any State
21 highway or any locally designated highway for a distance of
22 5 highway miles for the purpose of loading, unloading,
23 food, fuel, repairs, and rest.

24 (e-3) Combinations of vehicles over 65 feet in length
25 operated by household goods carriers or towaway trailer
26 transporter combinations, with no overall length limitations

1 except as provided in subsections (d) and (e) of this Section,
2 have unlimited access to points of loading, unloading, or
3 delivery to or from a manufacturer, distributor, or dealer.

4 (f) On Class III and other non-designated State highways,
5 the length limitations for vehicles in combination are as
6 follows:

7 (1) Truck tractor-semitrailer combinations, must
8 comply with either a maximum 55 feet overall wheel base or
9 a maximum 65 feet extreme overall dimension.

10 (2) Semitrailers, unladen or with load, may not exceed
11 53 feet overall dimension.

12 (3) No truck tractor-semitrailer-trailer or truck
13 tractor semitrailer-semitrailer combination may exceed 60
14 feet extreme overall dimension.

15 (4) The distance between the kingpin and the center
16 axle of a semitrailer longer than 48 feet, in combination
17 with a truck tractor, may not exceed 42 feet 6 inches. The
18 limit contained in this paragraph (4) shall not apply to
19 trailers or semi-trailers used for the transport of
20 livestock as defined by Section 18b-101.

21 (g) Length limitations in the preceding subsections of this
22 Section 15-107 do not apply to the following:

23 (1) Vehicles operated in the daytime, except on
24 Saturdays, Sundays, or legal holidays, when transporting
25 poles, pipe, machinery, or other objects of a structural
26 nature that cannot readily be dismembered, provided the

1 overall length of vehicle and load may not exceed 100 feet
2 and no object exceeding 80 feet in length may be
3 transported unless a permit has been obtained as authorized
4 in Section 15-301.

5 (2) Vehicles and loads operated by a public utility
6 while en route to make emergency repairs to public service
7 facilities or properties, but during night operation every
8 vehicle and its load must be equipped with a sufficient
9 number of clearance lamps on both sides and marker lamps
10 upon the extreme ends of any projecting load to clearly
11 mark the dimensions of the load.

12 (3) A tow truck in combination with a disabled vehicle
13 or combination of disabled vehicles, provided the towing
14 vehicle meets the following conditions:

15 (A) It is specifically designed as a tow truck
16 having a gross vehicle weight rating of at least 18,000
17 pounds and equipped with air brakes, provided that air
18 brakes are required only if the towing vehicle is
19 towing a vehicle, semitrailer, or tractor-trailer
20 combination that is equipped with air brakes.

21 (B) It is equipped with flashing, rotating, or
22 oscillating amber lights, visible for at least 500 feet
23 in all directions.

24 (C) It is capable of utilizing the lighting and
25 braking systems of the disabled vehicle or combination
26 of vehicles.

1 (D) It does not engage in a tow exceeding 50 miles
2 from the initial point of wreck or disablement.

3 The Department may by rule or regulation prescribe
4 additional requirements regarding length limitations for a tow
5 truck towing another vehicle. The towing vehicle, however, may
6 tow any disabled vehicle from the initial point of wreck or
7 disablement to a point where repairs are actually to occur.
8 This movement shall be valid only on State routes. The tower
9 must abide by posted bridge weight limits.

10 For the purpose of this subsection, gross vehicle weight
11 rating, or GVWR, shall mean the value specified by the
12 manufacturer as the loaded weight of the tow truck. Legal
13 holidays referred to in this Section shall be specified as the
14 day on which the following traditional holidays are celebrated:

15 New Year's Day;
16 Memorial Day;
17 Independence Day;
18 Labor Day;
19 Thanksgiving Day; and
20 Christmas Day.

21 (h) The load upon any vehicle operated alone, or the load
22 upon the front vehicle of a combination of vehicles, shall not
23 extend more than 3 feet beyond the front wheels of the vehicle
24 or the front bumper of the vehicle if it is equipped with a
25 front bumper. The provisions of this subsection (h) shall not
26 apply to any vehicle or combination of vehicles specifically

1 designed for the collection and transportation of waste,
2 garbage, or recyclable materials during the vehicle's
3 operation in the course of collecting garbage, waste, or
4 recyclable materials if the vehicle is traveling at a speed not
5 in excess of 15 miles per hour during the vehicle's operation
6 and in the course of collecting garbage, waste, or recyclable
7 materials. However, in no instance shall the load extend more
8 than 7 feet beyond the front wheels of the vehicle or the front
9 bumper of the vehicle if it is equipped with a front bumper.

10 (i) The load upon the front vehicle of an automobile
11 transporter or a stinger-steered vehicle specifically designed
12 to transport motor vehicles shall not extend more than 4 feet
13 beyond the foremost part of the transporting vehicle and the
14 load upon the rear transporting vehicle shall not extend more
15 than 6 feet beyond the rear of the bed or body of the vehicle.
16 This paragraph shall only be applicable upon highways
17 designated in paragraphs (d) and (e) of this Section.

18 (j) Articulated vehicles comprised of 2 sections, neither
19 of which exceeds a length of 42 feet, designed for the carrying
20 of more than 10 persons, may be up to 60 feet in length, not
21 including energy absorbing bumpers, provided that the vehicles
22 are:

23 1. operated by or for any public body or motor carrier
24 authorized by law to provide public transportation
25 services; or

26 2. operated in local public transportation service by

1 any other person and the municipality in which the service
2 is to be provided approved the operation of the vehicle.

3 (j-1) (Blank).

4 (k) Any person who is convicted of violating this Section
5 is subject to the penalty as provided in paragraph (b) of
6 Section 15-113.

7 (l) (Blank).

8 (Source: P.A. 99-717, eff. 8-5-16; revised 10-28-16.)

9 (625 ILCS 5/18c-7402) (from Ch. 95 1/2, par. 18c-7402)

10 Sec. 18c-7402. Safety Requirements for Railroad
11 Operations.

12 (1) Obstruction of crossings.

13 (a) Obstruction of Emergency Vehicles. Every railroad
14 shall be operated in such a manner as to minimize
15 obstruction of emergency vehicles at crossings. Where such
16 obstruction occurs and the train crew is aware of the
17 obstruction, the train crew shall immediately take any
18 action, consistent with safe operating procedure,
19 necessary to remove the obstruction. In the Chicago and St.
20 Louis switching districts, every railroad dispatcher or
21 other person responsible for the movement of railroad
22 equipment in a specific area who receives notification that
23 railroad equipment is obstructing the movement of an
24 emergency vehicle at any crossing within such area shall
25 immediately notify the train crew through use of existing

1 communication facilities. Upon notification, the train
2 crew shall take immediate action in accordance with this
3 paragraph.

4 (b) Obstruction of Highway at Grade Crossing
5 Prohibited. It is unlawful for a rail carrier to permit any
6 train, railroad car or engine to obstruct public travel at
7 a railroad-highway grade crossing for a period in excess of
8 10 minutes, except where such train or railroad car is
9 continuously moving or cannot be moved by reason of
10 circumstances over which the rail carrier has no reasonable
11 control.

12 In a county with a population of greater than 1,000,000, as
13 determined by the most recent federal census, during the hours
14 of 7:00 a.m. through 9:00 a.m. and 4:00 p.m. through 6:00 p.m.
15 it is unlawful for a rail carrier to permit any single train or
16 railroad car to obstruct public travel at a railroad-highway
17 grade crossing in excess of a total of 10 minutes during a 30
18 minute period, except where the train or railroad car cannot be
19 moved by reason or circumstances over which the rail carrier
20 has no reasonable control. Under no circumstances will a moving
21 train be stopped for the purposes of issuing a citation related
22 to this Section.

23 However, no employee acting under the rules or orders of
24 the rail carrier or its supervisory personnel may be prosecuted
25 for a violation of this subsection (b).

26 (c) Punishment for Obstruction of Grade Crossing. Any

1 rail carrier violating paragraph (b) of this subsection
2 shall be guilty of a petty offense and fined not less than
3 \$200 nor more than \$500 if the duration of the obstruction
4 is in excess of 10 minutes but no longer than 15 minutes.
5 If the duration of the obstruction exceeds 15 minutes the
6 violation shall be a business offense and the following
7 fines shall be imposed: if the duration of the obstruction
8 is in excess of 15 minutes but no longer than 20 minutes,
9 the fine shall be \$500; if the duration of the obstruction
10 is in excess of 20 minutes but no longer than 25 minutes,
11 the fine shall be \$700; if the duration of the obstruction
12 is in excess of 25 minutes, but no longer than 30 minutes,
13 the fine shall be \$900; if the duration of the obstruction
14 is in excess of 30 minutes but no longer than 35 minutes,
15 the fine shall be \$1,000; if the duration of the
16 obstruction is in excess of 35 minutes, the fine shall be
17 \$1,000 plus an additional \$500 for each 5 minutes of
18 obstruction in excess of 25 minutes of obstruction.

19 (2) Other Operational Requirements.

20 (a) Bell and Whistle-Crossings. Every rail carrier
21 shall cause a bell, and a whistle or horn to be placed and
22 kept on each locomotive, and shall cause the same to be
23 rung or sounded by the engineer or fireman, at the distance
24 of at ~~a~~ least 1,320 feet, from the place where the railroad
25 crosses or intersects any public highway, and shall be kept
26 ringing or sounding until the highway is reached; provided

1 that at crossings where the Commission shall by order
2 direct, only after a hearing has been held to determine the
3 public is reasonably and sufficiently protected, the rail
4 carrier may be excused from giving warning provided by this
5 paragraph.

6 (a-5) The requirements of paragraph (a) of this
7 subsection (2) regarding ringing a bell and sounding a
8 whistle or horn do not apply at a railroad crossing that
9 has a permanently installed automated audible warning
10 device authorized by the Commission under Section
11 18c-7402.1 that sounds automatically when an approaching
12 train is at least 1,320 feet from the crossing and that
13 keeps sounding until the lead locomotive has crossed the
14 highway. The engineer or fireman may ring the bell or sound
15 the whistle or horn at a railroad crossing that has a
16 permanently installed audible warning device.

17 (b) Speed Limits. Each rail carrier shall operate its
18 trains in compliance with speed limits set by the
19 Commission. The Commission may set train speed limits only
20 where such limits are necessitated by extraordinary
21 circumstances affecting ~~effecting~~ the public safety, and
22 shall maintain such train speed limits in effect only for
23 such time as the extraordinary circumstances prevail.

24 The Commission and the Department of Transportation
25 shall conduct a study of the relation between train speeds
26 and railroad-highway grade crossing safety. The Commission

1 shall report the findings of the study to the General
2 Assembly no later than January 5, 1997.

3 (c) Special Speed Limit; Pilot Project. The Commission
4 and the Board of the Commuter Rail Division of the Regional
5 Transportation Authority shall conduct a pilot project in
6 the Village of Fox River Grove, the site of the fatal
7 school bus accident at a railroad crossing on October 25,
8 1995, in order to improve railroad crossing safety. For
9 this project, the Commission is directed to set the maximum
10 train speed limit for Regional Transportation Authority
11 trains at 50 miles per hour at intersections on that
12 portion of the intrastate rail line located in the Village
13 of Fox River Grove. If the Regional Transportation
14 Authority deliberately fails to comply with this maximum
15 speed limit, then any entity, governmental or otherwise,
16 that provides capital or operational funds to the Regional
17 Transportation Authority shall appropriately reduce or
18 eliminate that funding. The Commission shall report to the
19 Governor and the General Assembly on the results of this
20 pilot project in January 1999, January 2000, and January
21 2001. The Commission shall also submit a final report on
22 the pilot project to the Governor and the General Assembly
23 in January 2001. The provisions of this subsection (c),
24 other than this sentence, are inoperative after February 1,
25 2001.

26 (3) Report and Investigation of Rail Accidents.

1 (a) Reports. Every rail carrier shall report to the
2 Commission, by the speediest means possible, whether
3 telephone, telegraph, or otherwise, every accident
4 involving its equipment, track, or other property which
5 resulted in loss of life to any person. In addition, such
6 carriers shall file a written report with the Commission.
7 Reports submitted under this paragraph shall be strictly
8 confidential, shall be specifically prohibited from
9 disclosure, and shall not be admissible in any
10 administrative or judicial proceeding relating to the
11 accidents reported.

12 (b) Investigations. The Commission may investigate all
13 railroad accidents reported to it or of which it acquires
14 knowledge independent of reports made by rail carriers, and
15 shall have the power, consistent with standards and
16 procedures established under the Federal Railroad Safety
17 Act, as amended, to enter such temporary orders as will
18 minimize the risk of future accidents pending notice,
19 hearing, and final action by the Commission.

20 (Source: P.A. 91-675, eff. 6-1-00; 92-284, eff. 8-9-01; revised
21 9-16-16.)

22 Section 655. The Snowmobile Registration and Safety Act is
23 amended by changing Sections 1-2, 2-1, 5-7, and 5-7.4 as
24 follows:

1 (625 ILCS 40/1-2) (from Ch. 95 1/2, par. 601-2)

2 Sec. 1-2. Definitions. As used in this Act, the terms
3 specified in the Sections following this Section and preceding
4 Section 1-3 ~~Sections 1-2.01 through 1-2.20~~ have the meanings
5 ascribed to them in those Sections unless the context clearly
6 requires a different meaning.

7 (Source: P.A. 78-856; revised 9-16-16.)

8 (625 ILCS 40/2-1) (from Ch. 95 1/2, par. 602-1)

9 Sec. 2-1. Enforcement.→ It is the duty of all Conservation
10 Police Officers and all sheriffs, deputy sheriffs, and other
11 police officers to arrest any person detected in violation of
12 any of the provisions of this Act. It is further the duty of
13 all such officers to make prompt investigation of any violation
14 of the provisions of this Act reported by any other person, and
15 to cause a complaint to be filed before the circuit court if
16 there seems just ground for such complaint and evidence
17 procurable to support the same.

18 (Source: P.A. 79-885; revised 9-16-16.)

19 (625 ILCS 40/5-7)

20 Sec. 5-7. Operating a snowmobile while under the influence
21 of alcohol or other drug or drugs, intoxicating compound or
22 compounds, or a combination of them; criminal penalties;
23 suspension of operating privileges.

24 (a) A person may not operate or be in actual physical

1 control of a snowmobile within this State while:

2 1. The alcohol concentration in that person's blood,
3 other bodily substance, or breath is a concentration at
4 which driving a motor vehicle is prohibited under
5 subdivision (1) of subsection (a) of Section 11-501 of the
6 Illinois Vehicle Code;

7 2. The person is under the influence of alcohol;

8 3. The person is under the influence of any other drug
9 or combination of drugs to a degree that renders that
10 person incapable of safely operating a snowmobile;

11 3.1. The person is under the influence of any
12 intoxicating compound or combination of intoxicating
13 compounds to a degree that renders the person incapable of
14 safely operating a snowmobile;

15 4. The person is under the combined influence of
16 alcohol and any other drug or drugs or intoxicating
17 compound or compounds to a degree that renders that person
18 incapable of safely operating a snowmobile;

19 4.3. ~~(4.3)~~ The person who is not a CDL holder has a
20 tetrahydrocannabinol concentration in the person's whole
21 blood or other bodily substance at which driving a motor
22 vehicle is prohibited under subdivision (7) of subsection
23 (a) of Section 11-501 of the Illinois Vehicle Code;

24 4.5. ~~(4.5)~~ The person who is a CDL holder has any
25 amount of a drug, substance, or compound in the person's
26 breath, blood, other bodily substance, or urine resulting

1 from the unlawful use or consumption of cannabis listed in
2 the Cannabis Control Act; or

3 5. There is any amount of a drug, substance, or
4 compound in that person's breath, blood, other bodily
5 substance, or urine resulting from the unlawful use or
6 consumption of a controlled substance listed in the
7 Illinois Controlled Substances Act, methamphetamine as
8 listed in the Methamphetamine Control and Community
9 Protection Act, or intoxicating compound listed in the use
10 of Intoxicating Compounds Act.

11 (b) The fact that a person charged with violating this
12 Section is or has been legally entitled to use alcohol, other
13 drug or drugs, any intoxicating compound or compounds, or any
14 combination of them does not constitute a defense against a
15 charge of violating this Section.

16 (c) Every person convicted of violating this Section or a
17 similar provision of a local ordinance is guilty of a Class A
18 misdemeanor, except as otherwise provided in this Section.

19 (c-1) As used in this Section, "first time offender" means
20 any person who has not had a previous conviction or been
21 assigned supervision for violating this Section or a similar
22 provision of a local ordinance, or any person who has not had a
23 suspension imposed under subsection (e) of Section 5-7.1.

24 (c-2) For purposes of this Section, the following are
25 equivalent to a conviction:

26 (1) a forfeiture of bail or collateral deposited to

1 secure a defendant's appearance in court when forfeiture
2 has not been vacated; or

3 (2) the failure of a defendant to appear for trial.

4 (d) Every person convicted of violating this Section is
5 guilty of a Class 4 felony if:

6 1. The person has a previous conviction under this
7 Section;

8 2. The offense results in personal injury where a
9 person other than the operator suffers great bodily harm or
10 permanent disability or disfigurement, when the violation
11 was a proximate cause of the injuries. A person guilty of a
12 Class 4 felony under this paragraph 2, if sentenced to a
13 term of imprisonment, shall be sentenced to not less than
14 one year nor more than 12 years; or

15 3. The offense occurred during a period in which the
16 person's privileges to operate a snowmobile are revoked or
17 suspended, and the revocation or suspension was for a
18 violation of this Section or was imposed under Section
19 5-7.1.

20 (e) Every person convicted of violating this Section is
21 guilty of a Class 2 felony if the offense results in the death
22 of a person. A person guilty of a Class 2 felony under this
23 subsection (e), if sentenced to a term of imprisonment, shall
24 be sentenced to a term of not less than 3 years and not more
25 than 14 years.

26 (e-1) Every person convicted of violating this Section or a

1 similar provision of a local ordinance who had a child under
2 the age of 16 on board the snowmobile at the time of offense
3 shall be subject to a mandatory minimum fine of \$500 and shall
4 be subject to a mandatory minimum of 5 days of community
5 service in a program benefiting children. The assignment under
6 this subsection shall not be subject to suspension nor shall
7 the person be eligible for probation in order to reduce the
8 assignment.

9 (e-2) Every person found guilty of violating this Section,
10 whose operation of a snowmobile while in violation of this
11 Section proximately caused any incident resulting in an
12 appropriate emergency response, shall be liable for the expense
13 of an emergency response as provided in subsection (i) of
14 Section 11-501.01 of the Illinois Vehicle Code.

15 (e-3) In addition to any other penalties and liabilities, a
16 person who is found guilty of violating this Section, including
17 any person placed on court supervision, shall be fined \$100,
18 payable to the circuit clerk, who shall distribute the money to
19 the law enforcement agency that made the arrest. In the event
20 that more than one agency is responsible for the arrest, the
21 \$100 shall be shared equally. Any moneys received by a law
22 enforcement agency under this subsection (e-3) shall be used to
23 purchase law enforcement equipment or to provide law
24 enforcement training that will assist in the prevention of
25 alcohol related criminal violence throughout the State. Law
26 enforcement equipment shall include, but is not limited to,

1 in-car video cameras, radar and laser speed detection devices,
2 and alcohol breath testers.

3 (f) In addition to any criminal penalties imposed, the
4 Department of Natural Resources shall suspend the snowmobile
5 operation privileges of a person convicted or found guilty of a
6 misdemeanor under this Section for a period of one year, except
7 that first-time offenders are exempt from this mandatory one
8 year suspension.

9 (g) In addition to any criminal penalties imposed, the
10 Department of Natural Resources shall suspend for a period of 5
11 years the snowmobile operation privileges of any person
12 convicted or found guilty of a felony under this Section.

13 (Source: P.A. 99-697, eff. 7-29-16; revised 10-28-16.)

14 (625 ILCS 40/5-7.4)

15 Sec. 5-7.4. Admissibility of chemical tests of blood, other
16 bodily substance, or urine conducted in the regular course of
17 providing emergency medical treatment.

18 (a) Notwithstanding any other provision of law, the results
19 of blood, other bodily substance, or urine tests performed for
20 the purpose of determining the content of alcohol, other drug
21 or drugs, intoxicating compound or compounds, or any
22 combination of them in an individual's blood, other bodily
23 substance, or urine conducted upon persons receiving medical
24 treatment in a hospital emergency room, are admissible in
25 evidence as a business record exception to the hearsay rule

1 only in prosecutions for a violation of Section 5-7 of this Act
2 or a similar provision of a local ordinance or in prosecutions
3 for reckless homicide brought under the Criminal Code of 1961
4 or the Criminal Code of 2012.

5 The results of the tests are admissible only when each of
6 the following criteria are met:

7 1. the chemical tests performed upon an individual's
8 blood, other bodily substance, or urine were ordered in the
9 regular course of providing emergency treatment and not at
10 the request of law enforcement authorities; and

11 2. the chemical tests performed upon an individual's
12 blood, other bodily substance, or urine were performed by
13 the laboratory routinely used by the hospital.

14 ~~3. (Blank).~~

15 Results of chemical tests performed upon an individual's
16 blood, other bodily substance, or urine are admissible into
17 evidence regardless of the time that the records were prepared.

18 (b) The confidentiality provisions of law pertaining to
19 medical records and medical treatment are not applicable with
20 regard to chemical tests performed upon a person's blood, other
21 bodily substance, or urine under the provisions of this Section
22 in prosecutions as specified in subsection (a) of this Section.
23 No person shall be liable for civil damages as a result of the
24 evidentiary use of the results of chemical testing of the
25 individual's blood, other bodily substance, or urine under this
26 Section or as a result of that person's testimony made

1 available under this Section.

2 (Source: P.A. 99-697, eff. 7-29-16; revised 10-31-16.)

3 Section 660. The Juvenile Court Act of 1987 is amended by
4 changing Sections 4-9, 5-710, 5-745, 5-7A-115, and 5-915 as
5 follows:

6 (705 ILCS 405/4-9) (from Ch. 37, par. 804-9)

7 Sec. 4-9. Shelter care hearing. At the appearance of the
8 minor before the court at the shelter care hearing, all
9 witnesses present shall be examined before the court in
10 relation to any matter connected with the allegations made in
11 the petition.

12 (1) If the court finds that there is not probable cause to
13 believe that the minor is addicted, it shall release the minor
14 and dismiss the petition.

15 (2) If the court finds that there is probable cause to
16 believe that the minor is addicted, the minor, his or her
17 parent, guardian, custodian and other persons able to give
18 relevant testimony shall be examined before the court. After
19 such testimony, the court may enter an order that the minor
20 shall be released upon the request of a parent, guardian or
21 custodian if the parent, guardian or custodian appears to take
22 custody and agrees to abide by a court order which requires the
23 minor and his or her parent, guardian, or legal custodian to
24 complete an evaluation by an entity licensed by the Department

1 of Human Services, as the successor to the Department of
2 Alcoholism and Substance Abuse, and complete any treatment
3 recommendations indicated by the assessment. Custodian shall
4 include any agency of the State which has been given custody or
5 wardship of the child.

6 The Court shall require documentation by representatives
7 of the Department of Children and Family Services or the
8 probation department as to the reasonable efforts that were
9 made to prevent or eliminate the necessity of removal of the
10 minor from his or her home, and shall consider the testimony of
11 any person as to those reasonable efforts. If the court finds
12 that it is a matter of immediate and urgent necessity for the
13 protection of the minor or of the person or property of another
14 that the minor be ~~or~~ placed in a shelter care facility or that
15 he or she is likely to flee the jurisdiction of the court, and
16 further, finds that reasonable efforts have been made or good
17 cause has been shown why reasonable efforts cannot prevent or
18 eliminate the necessity of removal of the minor from his or her
19 home, the court may prescribe shelter care and order that the
20 minor be kept in a suitable place designated by the court or in
21 a shelter care facility designated by the Department of
22 Children and Family Services or a licensed child welfare
23 agency, or in a facility or program licensed by the Department
24 of Human Services for shelter and treatment services; otherwise
25 it shall release the minor from custody. If the court
26 prescribes shelter care, then in placing the minor, the

1 Department or other agency shall, to the extent compatible with
2 the court's order, comply with Section 7 of the Children and
3 Family Services Act. If the minor is ordered placed in a
4 shelter care facility of the Department of Children and Family
5 Services or a licensed child welfare agency, or in a facility
6 or program licensed by the Department of Human Services for
7 shelter and treatment services, the court shall, upon request
8 of the appropriate Department or other agency, appoint the
9 Department of Children and Family Services Guardianship
10 Administrator or other appropriate agency executive temporary
11 custodian of the minor and the court may enter such other
12 orders related to the temporary custody as it deems fit and
13 proper, including the provision of services to the minor or his
14 family to ameliorate the causes contributing to the finding of
15 probable cause or to the finding of the existence of immediate
16 and urgent necessity. Acceptance of services shall not be
17 considered an admission of any allegation in a petition made
18 pursuant to this Act, nor may a referral of services be
19 considered as evidence in any proceeding pursuant to this Act,
20 except where the issue is whether the Department has made
21 reasonable efforts to reunite the family. In making its
22 findings that reasonable efforts have been made or that good
23 cause has been shown why reasonable efforts cannot prevent or
24 eliminate the necessity of removal of the minor from his or her
25 home, the court shall state in writing its findings concerning
26 the nature of the services that were offered or the efforts

1 that were made to prevent removal of the child and the apparent
2 reasons that such services or efforts could not prevent the
3 need for removal. The parents, guardian, custodian, temporary
4 custodian and minor shall each be furnished a copy of such
5 written findings. The temporary custodian shall maintain a copy
6 of the court order and written findings in the case record for
7 the child. The order together with the court's findings of fact
8 in support thereof shall be entered of record in the court.

9 Once the court finds that it is a matter of immediate and
10 urgent necessity for the protection of the minor that the minor
11 be placed in a shelter care facility, the minor shall not be
12 returned to the parent, custodian or guardian until the court
13 finds that such placement is no longer necessary for the
14 protection of the minor.

15 (3) If neither the parent, guardian, legal custodian,
16 responsible relative nor counsel of the minor has had actual
17 notice of or is present at the shelter care hearing, he or she
18 may file his or her affidavit setting forth these facts, and
19 the clerk shall set the matter for rehearing not later than 24
20 hours, excluding Sundays and legal holidays, after the filing
21 of the affidavit. At the rehearing, the court shall proceed in
22 the same manner as upon the original hearing.

23 (4) If the minor is not brought before a judicial officer
24 within the time period as specified in Section 4-8, the minor
25 must immediately be released from custody.

26 (5) Only when there is reasonable cause to believe that the

1 minor taken into custody is a person described in subsection
2 (3) of Section 5-105 may the minor be kept or detained in a
3 detention home or county or municipal jail. This Section shall
4 in no way be construed to limit subsection (6).

5 (6) No minor under 16 years of age may be confined in a
6 jail or place ordinarily used for the confinement of prisoners
7 in a police station. Minors under 18 years of age must be kept
8 separate from confined adults and may not at any time be kept
9 in the same cell, room or yard with adults confined pursuant to
10 the criminal law.

11 (7) If neither the parent, guardian or custodian appears
12 within 24 hours to take custody of a minor released upon
13 request pursuant to subsection (2) of this Section, then the
14 clerk of the court shall set the matter for rehearing not later
15 than 7 days after the original order and shall issue a summons
16 directed to the parent, guardian or custodian to appear. At the
17 same time the probation department shall prepare a report on
18 the minor. If a parent, guardian or custodian does not appear
19 at such rehearing, the judge may enter an order prescribing
20 that the minor be kept in a suitable place designated by the
21 Department of Children and Family Services or a licensed child
22 welfare agency.

23 (8) Any interested party, including the State, the
24 temporary custodian, an agency providing services to the minor
25 or family under a service plan pursuant to Section 8.2 of the
26 Abused and Neglected Child Reporting Act, foster parent, or any

1 of their representatives, may file a motion to modify or vacate
2 a temporary custody order on any of the following grounds:

3 (a) It is no longer a matter of immediate and urgent
4 necessity that the minor remain in shelter care; or

5 (b) There is a material change in the circumstances of
6 the natural family from which the minor was removed; or

7 (c) A person, including a parent, relative or legal
8 guardian, is capable of assuming temporary custody of the
9 minor; or

10 (d) Services provided by the Department of Children and
11 Family Services or a child welfare agency or other service
12 provider have been successful in eliminating the need for
13 temporary custody.

14 The clerk shall set the matter for hearing not later than
15 14 days after such motion is filed. In the event that the court
16 modifies or vacates a temporary custody order but does not
17 vacate its finding of probable cause, the court may order that
18 appropriate services be continued or initiated in behalf of the
19 minor and his or her family.

20 (9) The changes made to this Section by Public Act 98-61
21 apply to a minor who has been arrested or taken into custody on
22 or after January 1, 2014 (the effective date of Public Act
23 98-61).

24 (Source: P.A. 98-61, eff. 1-1-14; 98-756, eff. 7-16-14; revised
25 10-6-16.)

1 (705 ILCS 405/5-710)

2 Sec. 5-710. Kinds of sentencing orders.

3 (1) The following kinds of sentencing orders may be made in
4 respect of wards of the court:

5 (a) Except as provided in Sections 5-805, 5-810, 5-815,
6 a minor who is found guilty under Section 5-620 may be:

7 (i) put on probation or conditional discharge and
8 released to his or her parents, guardian or legal
9 custodian, provided, however, that any such minor who
10 is not committed to the Department of Juvenile Justice
11 under this subsection and who is found to be a
12 delinquent for an offense which is first degree murder,
13 a Class X felony, or a forcible felony shall be placed
14 on probation;

15 (ii) placed in accordance with Section 5-740, with
16 or without also being put on probation or conditional
17 discharge;

18 (iii) required to undergo a substance abuse
19 assessment conducted by a licensed provider and
20 participate in the indicated clinical level of care;

21 (iv) on and after the effective date of this
22 amendatory Act of the 98th General Assembly and before
23 January 1, 2017, placed in the guardianship of the
24 Department of Children and Family Services, but only if
25 the delinquent minor is under 16 years of age or,
26 pursuant to Article II of this Act, a minor for whom an

1 independent basis of abuse, neglect, or dependency
2 exists. On and after January 1, 2017, placed in the
3 guardianship of the Department of Children and Family
4 Services, but only if the delinquent minor is under 15
5 years of age or, pursuant to Article II of this Act, a
6 minor for whom an independent basis of abuse, neglect,
7 or dependency exists. An independent basis exists when
8 the allegations or adjudication of abuse, neglect, or
9 dependency do not arise from the same facts, incident,
10 or circumstances which give rise to a charge or
11 adjudication of delinquency;

12 (v) placed in detention for a period not to exceed
13 30 days, either as the exclusive order of disposition
14 or, where appropriate, in conjunction with any other
15 order of disposition issued under this paragraph,
16 provided that any such detention shall be in a juvenile
17 detention home and the minor so detained shall be 10
18 years of age or older. However, the 30-day limitation
19 may be extended by further order of the court for a
20 minor under age 15 committed to the Department of
21 Children and Family Services if the court finds that
22 the minor is a danger to himself or others. The minor
23 shall be given credit on the sentencing order of
24 detention for time spent in detention under Sections
25 5-501, 5-601, 5-710, or 5-720 of this Article as a
26 result of the offense for which the sentencing order

1 was imposed. The court may grant credit on a sentencing
2 order of detention entered under a violation of
3 probation or violation of conditional discharge under
4 Section 5-720 of this Article for time spent in
5 detention before the filing of the petition alleging
6 the violation. A minor shall not be deprived of credit
7 for time spent in detention before the filing of a
8 violation of probation or conditional discharge
9 alleging the same or related act or acts. The
10 limitation that the minor shall only be placed in a
11 juvenile detention home does not apply as follows:

12 Persons 18 years of age and older who have a
13 petition of delinquency filed against them may be
14 confined in an adult detention facility. In making a
15 determination whether to confine a person 18 years of
16 age or older who has a petition of delinquency filed
17 against the person, these factors, among other
18 matters, shall be considered:

19 (A) the age of the person;

20 (B) any previous delinquent or criminal
21 history of the person;

22 (C) any previous abuse or neglect history of
23 the person;

24 (D) any mental health history of the person;

25 and

26 (E) any educational history of the person;

1 (vi) ordered partially or completely emancipated
2 in accordance with the provisions of the Emancipation
3 of Minors Act;

4 (vii) subject to having his or her driver's license
5 or driving privileges suspended for such time as
6 determined by the court but only until he or she
7 attains 18 years of age;

8 (viii) put on probation or conditional discharge
9 and placed in detention under Section 3-6039 of the
10 Counties Code for a period not to exceed the period of
11 incarceration permitted by law for adults found guilty
12 of the same offense or offenses for which the minor was
13 adjudicated delinquent, and in any event no longer than
14 upon attainment of age 21; this subdivision (viii)
15 notwithstanding any contrary provision of the law;

16 (ix) ordered to undergo a medical or other
17 procedure to have a tattoo symbolizing allegiance to a
18 street gang removed from his or her body; or

19 (x) placed in electronic home detention under Part
20 7A of this Article.

21 (b) A minor found to be guilty may be committed to the
22 Department of Juvenile Justice under Section 5-750 if the
23 minor is at least 13 years and under 20 years of age,
24 provided that the commitment to the Department of Juvenile
25 Justice shall be made only if the minor was found guilty of
26 a felony offense or first degree murder. The court shall

1 include in the sentencing order any pre-custody credits the
2 minor is entitled to under Section 5-4.5-100 of the Unified
3 Code of Corrections. The time during which a minor is in
4 custody before being released upon the request of a parent,
5 guardian or legal custodian shall also be considered as
6 time spent in custody.

7 (c) When a minor is found to be guilty for an offense
8 which is a violation of the Illinois Controlled Substances
9 Act, the Cannabis Control Act, or the Methamphetamine
10 Control and Community Protection Act and made a ward of the
11 court, the court may enter a disposition order requiring
12 the minor to undergo assessment, counseling or treatment in
13 a substance abuse program approved by the Department of
14 Human Services.

15 (2) Any sentencing order other than commitment to the
16 Department of Juvenile Justice may provide for protective
17 supervision under Section 5-725 and may include an order of
18 protection under Section 5-730.

19 (3) Unless the sentencing order expressly so provides, it
20 does not operate to close proceedings on the pending petition,
21 but is subject to modification until final closing and
22 discharge of the proceedings under Section 5-750.

23 (4) In addition to any other sentence, the court may order
24 any minor found to be delinquent to make restitution, in
25 monetary or non-monetary form, under the terms and conditions
26 of Section 5-5-6 of the Unified Code of Corrections, except

1 that the "presentencing hearing" referred to in that Section
2 shall be the sentencing hearing for purposes of this Section.
3 The parent, guardian or legal custodian of the minor may be
4 ordered by the court to pay some or all of the restitution on
5 the minor's behalf, pursuant to the Parental Responsibility
6 Law. The State's Attorney is authorized to act on behalf of any
7 victim in seeking restitution in proceedings under this
8 Section, up to the maximum amount allowed in Section 5 of the
9 Parental Responsibility Law.

10 (5) Any sentencing order where the minor is committed or
11 placed in accordance with Section 5-740 shall provide for the
12 parents or guardian of the estate of the minor to pay to the
13 legal custodian or guardian of the person of the minor such
14 sums as are determined by the custodian or guardian of the
15 person of the minor as necessary for the minor's needs. The
16 payments may not exceed the maximum amounts provided for by
17 Section 9.1 of the Children and Family Services Act.

18 (6) Whenever the sentencing order requires the minor to
19 attend school or participate in a program of training, the
20 truant officer or designated school official shall regularly
21 report to the court if the minor is a chronic or habitual
22 truant under Section 26-2a of the School Code. Notwithstanding
23 any other provision of this Act, in instances in which
24 educational services are to be provided to a minor in a
25 residential facility where the minor has been placed by the
26 court, costs incurred in the provision of those educational

1 services must be allocated based on the requirements of the
2 School Code.

3 (7) In no event shall a guilty minor be committed to the
4 Department of Juvenile Justice for a period of time in excess
5 of that period for which an adult could be committed for the
6 same act. The court shall include in the sentencing order a
7 limitation on the period of confinement not to exceed the
8 maximum period of imprisonment the court could impose under
9 Article V of the Unified Code of Corrections.

10 (7.5) In no event shall a guilty minor be committed to the
11 Department of Juvenile Justice or placed in detention when the
12 act for which the minor was adjudicated delinquent would not be
13 illegal if committed by an adult.

14 (7.6) In no event shall a guilty minor be committed to the
15 Department of Juvenile Justice for an offense which is a Class
16 4 felony under Section 19-4 (criminal trespass to a residence),
17 21-1 (criminal damage to property), 21-1.01 (criminal damage to
18 government supported property), 21-1.3 (criminal defacement of
19 property), 26-1 (disorderly conduct), or 31-4 (obstructing
20 justice) of the Criminal Code of 2012.

21 (7.75) In no event shall a guilty minor be committed to the
22 Department of Juvenile Justice for an offense that is a Class 3
23 or Class 4 felony violation of the Illinois Controlled
24 Substances Act unless the commitment occurs upon a third or
25 subsequent judicial finding of a violation of probation for
26 substantial noncompliance with court-ordered ~~court-ordered~~

1 treatment or programming.

2 (8) A minor found to be guilty for reasons that include a
3 violation of Section 21-1.3 of the Criminal Code of 1961 or the
4 Criminal Code of 2012 shall be ordered to perform community
5 service for not less than 30 and not more than 120 hours, if
6 community service is available in the jurisdiction. The
7 community service shall include, but need not be limited to,
8 the cleanup and repair of the damage that was caused by the
9 violation or similar damage to property located in the
10 municipality or county in which the violation occurred. The
11 order may be in addition to any other order authorized by this
12 Section.

13 (8.5) A minor found to be guilty for reasons that include a
14 violation of Section 3.02 or Section 3.03 of the Humane Care
15 for Animals Act or paragraph (d) of subsection (1) of Section
16 21-1 of the Criminal Code of 1961 or paragraph (4) of
17 subsection (a) of Section 21-1 of the Criminal Code of 2012
18 shall be ordered to undergo medical or psychiatric treatment
19 rendered by a psychiatrist or psychological treatment rendered
20 by a clinical psychologist. The order may be in addition to any
21 other order authorized by this Section.

22 (9) In addition to any other sentencing order, the court
23 shall order any minor found to be guilty for an act which would
24 constitute, predatory criminal sexual assault of a child,
25 aggravated criminal sexual assault, criminal sexual assault,
26 aggravated criminal sexual abuse, or criminal sexual abuse if

1 committed by an adult to undergo medical testing to determine
2 whether the defendant has any sexually transmissible disease
3 including a test for infection with human immunodeficiency
4 virus (HIV) or any other identified causative agency of
5 acquired immunodeficiency syndrome (AIDS). Any medical test
6 shall be performed only by appropriately licensed medical
7 practitioners and may include an analysis of any bodily fluids
8 as well as an examination of the minor's person. Except as
9 otherwise provided by law, the results of the test shall be
10 kept strictly confidential by all medical personnel involved in
11 the testing and must be personally delivered in a sealed
12 envelope to the judge of the court in which the sentencing
13 order was entered for the judge's inspection in camera. Acting
14 in accordance with the best interests of the victim and the
15 public, the judge shall have the discretion to determine to
16 whom the results of the testing may be revealed. The court
17 shall notify the minor of the results of the test for infection
18 with the human immunodeficiency virus (HIV). The court shall
19 also notify the victim if requested by the victim, and if the
20 victim is under the age of 15 and if requested by the victim's
21 parents or legal guardian, the court shall notify the victim's
22 parents or the legal guardian, of the results of the test for
23 infection with the human immunodeficiency virus (HIV). The
24 court shall provide information on the availability of HIV
25 testing and counseling at the Department of Public Health
26 facilities to all parties to whom the results of the testing

1 are revealed. The court shall order that the cost of any test
2 shall be paid by the county and may be taxed as costs against
3 the minor.

4 (10) When a court finds a minor to be guilty the court
5 shall, before entering a sentencing order under this Section,
6 make a finding whether the offense committed either: (a) was
7 related to or in furtherance of the criminal activities of an
8 organized gang or was motivated by the minor's membership in or
9 allegiance to an organized gang, or (b) involved a violation of
10 subsection (a) of Section 12-7.1 of the Criminal Code of 1961
11 or the Criminal Code of 2012, a violation of any Section of
12 Article 24 of the Criminal Code of 1961 or the Criminal Code of
13 2012, or a violation of any statute that involved the wrongful
14 use of a firearm. If the court determines the question in the
15 affirmative, and the court does not commit the minor to the
16 Department of Juvenile Justice, the court shall order the minor
17 to perform community service for not less than 30 hours nor
18 more than 120 hours, provided that community service is
19 available in the jurisdiction and is funded and approved by the
20 county board of the county where the offense was committed. The
21 community service shall include, but need not be limited to,
22 the cleanup and repair of any damage caused by a violation of
23 Section 21-1.3 of the Criminal Code of 1961 or the Criminal
24 Code of 2012 and similar damage to property located in the
25 municipality or county in which the violation occurred. When
26 possible and reasonable, the community service shall be

1 performed in the minor's neighborhood. This order shall be in
2 addition to any other order authorized by this Section except
3 for an order to place the minor in the custody of the
4 Department of Juvenile Justice. For the purposes of this
5 Section, "organized gang" has the meaning ascribed to it in
6 Section 10 of the Illinois Streetgang Terrorism Omnibus
7 Prevention Act.

8 (11) If the court determines that the offense was committed
9 in furtherance of the criminal activities of an organized gang,
10 as provided in subsection (10), and that the offense involved
11 the operation or use of a motor vehicle or the use of a
12 driver's license or permit, the court shall notify the
13 Secretary of State of that determination and of the period for
14 which the minor shall be denied driving privileges. If, at the
15 time of the determination, the minor does not hold a driver's
16 license or permit, the court shall provide that the minor shall
17 not be issued a driver's license or permit until his or her
18 18th birthday. If the minor holds a driver's license or permit
19 at the time of the determination, the court shall provide that
20 the minor's driver's license or permit shall be revoked until
21 his or her 21st birthday, or until a later date or occurrence
22 determined by the court. If the minor holds a driver's license
23 at the time of the determination, the court may direct the
24 Secretary of State to issue the minor a judicial driving
25 permit, also known as a JDP. The JDP shall be subject to the
26 same terms as a JDP issued under Section 6-206.1 of the

1 Illinois Vehicle Code, except that the court may direct that
2 the JDP be effective immediately.

3 (12) If a minor is found to be guilty of a violation of
4 subsection (a-7) of Section 1 of the Prevention of Tobacco Use
5 by Minors Act, the court may, in its discretion, and upon
6 recommendation by the State's Attorney, order that minor and
7 his or her parents or legal guardian to attend a smoker's
8 education or youth diversion program as defined in that Act if
9 that program is available in the jurisdiction where the
10 offender resides. Attendance at a smoker's education or youth
11 diversion program shall be time-credited against any community
12 service time imposed for any first violation of subsection
13 (a-7) of Section 1 of that Act. In addition to any other
14 penalty that the court may impose for a violation of subsection
15 (a-7) of Section 1 of that Act, the court, upon request by the
16 State's Attorney, may in its discretion require the offender to
17 remit a fee for his or her attendance at a smoker's education
18 or youth diversion program.

19 For purposes of this Section, "smoker's education program"
20 or "youth diversion program" includes, but is not limited to, a
21 seminar designed to educate a person on the physical and
22 psychological effects of smoking tobacco products and the
23 health consequences of smoking tobacco products that can be
24 conducted with a locality's youth diversion program.

25 In addition to any other penalty that the court may impose
26 under this subsection (12):

1 (a) If a minor violates subsection (a-7) of Section 1
2 of the Prevention of Tobacco Use by Minors Act, the court
3 may impose a sentence of 15 hours of community service or a
4 fine of \$25 for a first violation.

5 (b) A second violation by a minor of subsection (a-7)
6 of Section 1 of that Act that occurs within 12 months after
7 the first violation is punishable by a fine of \$50 and 25
8 hours of community service.

9 (c) A third or subsequent violation by a minor of
10 subsection (a-7) of Section 1 of that Act that occurs
11 within 12 months after the first violation is punishable by
12 a \$100 fine and 30 hours of community service.

13 (d) Any second or subsequent violation not within the
14 12-month time period after the first violation is
15 punishable as provided for a first violation.

16 (Source: P.A. 98-536, eff. 8-23-13; 98-803, eff. 1-1-15;
17 99-268, eff. 1-1-16; 99-628, eff. 1-1-17; 99-879, eff. 1-1-17;
18 revised 9-2-16.)

19 (705 ILCS 405/5-745)

20 Sec. 5-745. Court review.

21 (1) The court may require any legal custodian or guardian
22 of the person appointed under this Act, including the
23 Department of Juvenile Justice for youth committed under
24 Section 5-750 of this Act, to report periodically to the court
25 or may cite him or her into court and require him or her, or his

1 or her agency, to make a full and accurate report of his or her
2 or its doings in behalf of the minor, including efforts to
3 secure post-release placement of the youth after release from
4 the Department's facilities. The legal custodian or guardian,
5 within 10 days after the citation, shall make the report,
6 either in writing verified by affidavit or orally under oath in
7 open court, or otherwise as the court directs. Upon the hearing
8 of the report the court may remove the legal custodian or
9 guardian and appoint another in his or her stead or restore the
10 minor to the custody of his or her parents or former guardian
11 or legal custodian.

12 (2) If the Department of Children and Family Services is
13 appointed legal custodian or guardian of a minor under Section
14 5-740 of this Act, the Department of Children and Family
15 Services ~~Section 5-740 of~~ shall file updated case plans with
16 the court every 6 months. Every agency which has guardianship
17 of a child shall file a supplemental petition for court review,
18 or review by an administrative body appointed or approved by
19 the court and further order within 18 months of the sentencing
20 order and each 18 months thereafter. The petition shall state
21 facts relative to the child's present condition of physical,
22 mental and emotional health as well as facts relative to his or
23 her present custodial or foster care. The petition shall be set
24 for hearing and the clerk shall mail 10 days notice of the
25 hearing by certified mail, return receipt requested, to the
26 person or agency having the physical custody of the child, the

1 minor and other interested parties unless a written waiver of
2 notice is filed with the petition.

3 If the minor is in the custody of the Illinois Department
4 of Children and Family Services, pursuant to an order entered
5 under this Article, the court shall conduct permanency hearings
6 as set out in subsections (1), (2), and (3) of Section 2-28 of
7 Article II of this Act.

8 Rights of wards of the court under this Act are enforceable
9 against any public agency by complaints for relief by mandamus
10 filed in any proceedings brought under this Act.

11 (3) The minor or any person interested in the minor may
12 apply to the court for a change in custody of the minor and the
13 appointment of a new custodian or guardian of the person or for
14 the restoration of the minor to the custody of his or her
15 parents or former guardian or custodian. In the event that the
16 minor has attained 18 years of age and the guardian or
17 custodian petitions the court for an order terminating his or
18 her guardianship or custody, guardianship or legal custody
19 shall terminate automatically 30 days after the receipt of the
20 petition unless the court orders otherwise. No legal custodian
21 or guardian of the person may be removed without his or her
22 consent until given notice and an opportunity to be heard by
23 the court.

24 (4) If the minor is committed to the Department of Juvenile
25 Justice under Section 5-750 of this Act, the Department shall
26 notify the court in writing of the occurrence of any of the

1 following:

2 (a) a critical incident involving a youth committed to
3 the Department; as used in this paragraph (a), "critical
4 incident" means any incident that involves a serious risk
5 to the life, health, or well-being of the youth and
6 includes, but is not limited to, an accident or suicide
7 attempt resulting in serious bodily harm or
8 hospitalization, psychiatric hospitalization, alleged or
9 suspected abuse, or escape or attempted escape from
10 custody, filed within 10 days of the occurrence;

11 (b) a youth who has been released by the Prisoner
12 Review Board but remains in a Department facility solely
13 because the youth does not have an approved aftercare
14 release host site, filed within 10 days of the occurrence;

15 (c) a youth, except a youth who has been adjudicated a
16 habitual or violent juvenile offender under Section 5-815
17 or 5-820 of this Act or committed for first degree murder,
18 who has been held in a Department facility for over one
19 consecutive year; or

20 (d) if a report has been filed under paragraph (c) of
21 this subsection, a supplemental report shall be filed every
22 6 months thereafter.

23 The notification required by this subsection (4) shall contain
24 a brief description of the incident or situation and a summary
25 of the youth's current physical, mental, and emotional health
26 and the actions the Department took in response to the incident

1 or to identify an aftercare release host site, as applicable.
2 Upon receipt of the notification, the court may require the
3 Department to make a full report under subsection (1) of this
4 Section.

5 (5) With respect to any report required to be filed with
6 the court under this Section, the Independent Juvenile
7 Ombudsman shall provide a copy to the minor's court appointed
8 guardian ad litem, if the Department has received written
9 notice of the appointment, and to the minor's attorney, if the
10 Department has received written notice of representation from
11 the attorney. If the Department has a record that a guardian
12 has been appointed for the minor and a record of the last known
13 address of the minor's court appointed guardian, the
14 Independent Juvenile Ombudsman shall send a notice to the
15 guardian that the report is available and will be provided by
16 the Independent Juvenile Ombudsman upon request. If the
17 Department has no record regarding the appointment of a
18 guardian for the minor, and the Department's records include
19 the last known addresses of the minor's parents, the
20 Independent Juvenile Ombudsman shall send a notice to the
21 parents that the report is available and will be provided by
22 the Independent Juvenile Ombudsman upon request.

23 (Source: P.A. 99-628, eff. 1-1-17; 99-664, eff. 1-1-17; revised
24 10-11-16.)

25 (705 ILCS 405/5-7A-115)

1 Sec. 5-7A-115. Program description. The supervising
2 authority may promulgate rules that prescribe reasonable
3 guidelines under which an electronic home detention program
4 shall operate. These rules shall include, but not be limited,
5 to, the following:

6 (A) The participant shall remain within the interior
7 premises or within the property boundaries of his or her
8 residence at all times during the hours designated by the
9 supervising authority. Such instances of approved absences
10 from the home may include, but are not limited to, the
11 following:

12 (1) working or employment approved by the court or
13 traveling to or from approved employment;

14 (2) unemployed and seeking employment approved for
15 the participant by the court;

16 (3) undergoing medical, psychiatric, mental health
17 treatment, counseling, or other treatment programs
18 approved for the participant by the court;

19 (4) attending an educational institution or a
20 program approved for the participant by the court;

21 (5) attending a regularly scheduled religious
22 service at a place of worship;

23 (6) participating in community work release or
24 community service programs approved for the
25 participant by the supervising authority; or

26 (7) for another compelling reason consistent with

1 the public interest, as approved by the supervising
2 authority.

3 (B) The participant shall admit any person or agent
4 designated by the supervising authority into his or her
5 residence at any time for purposes of verifying the
6 participant's compliance with the conditions of his or her
7 detention.

8 (C) The participant shall make the necessary
9 arrangements to allow for any person or agent designated by
10 the supervising authority to visit the participant's place
11 of education or employment at any time, based upon the
12 approval of the educational institution or employer or
13 both, for the purpose of verifying the participant's
14 compliance with the conditions of his or her detention.

15 (D) The participant shall acknowledge and participate
16 with the approved electronic monitoring device as
17 designated by the supervising authority at any time for the
18 purpose of verifying the participant's compliance with the
19 conditions of his or her detention.

20 (E) The participant shall maintain the following:

21 (1) a working telephone in the participant's home;

22 (2) a monitoring device in the participant's home
23 or on the participant's person, or both; and

24 (3) a monitoring device in the participant's home
25 and on the participant's person in the absence of a
26 telephone.

1 (F) The participant shall obtain approval from the
2 supervising authority before the participant changes
3 residence or the schedule described in paragraph (A) of
4 this Section.

5 (G) The participant shall not commit another act that
6 if committed by an adult would constitute a crime during
7 the period of home detention ordered by the court.

8 (H) Notice to the participant that violation of the
9 order for home detention may subject the participant to an
10 adjudicatory hearing for escape as described in Section
11 5-7A-120.

12 (I) The participant shall abide by other conditions as
13 set by the supervising authority.

14 (Source: P.A. 96-293, eff. 1-1-10; revised 10-25-16.)

15 (705 ILCS 405/5-915)

16 Sec. 5-915. Expungement of juvenile law enforcement and
17 court records.

18 (0.05) For purposes of this Section and Section 5-622:

19 "Expunge" means to physically destroy the records and
20 to obliterate the minor's name from any official index or
21 public record, or both. Nothing in this Act shall require
22 the physical destruction of the internal office records,
23 files, or databases maintained by a State's Attorney's
24 Office or other prosecutor.

25 "Law enforcement record" includes but is not limited to

1 records of arrest, station adjustments, fingerprints,
2 probation adjustments, the issuance of a notice to appear,
3 or any other records maintained by a law enforcement agency
4 relating to a minor suspected of committing an offense.

5 (1) Whenever a person has been arrested, charged, or
6 adjudicated delinquent for an incident occurring before his or
7 her 18th birthday that if committed by an adult would be an
8 offense, the person may petition the court at any time for
9 expungement of law enforcement records and juvenile court
10 records relating to the incident and, upon termination of all
11 juvenile court proceedings relating to that incident, the court
12 shall order the expungement of all records in the possession of
13 the Department of State Police, the clerk of the circuit court,
14 and law enforcement agencies relating to the incident, but only
15 in any of the following circumstances:

16 (a) the minor was arrested and no petition for
17 delinquency was filed with the clerk of the circuit court;

18 (a-5) the minor was charged with an offense and the
19 petition or petitions were dismissed without a finding of
20 delinquency;

21 (b) the minor was charged with an offense and was found
22 not delinquent of that offense;

23 (c) the minor was placed under supervision pursuant to
24 Section 5-615, and the order of supervision has since been
25 successfully terminated; or

26 (d) the minor was adjudicated for an offense which

1 would be a Class B misdemeanor, Class C misdemeanor, or a
2 petty or business offense if committed by an adult.

3 (1.5) Commencing 180 days after January 1, 2015 (the
4 effective date of Public Act 98-637) ~~this amendatory Act of the~~
5 ~~98th General Assembly~~, the Department of State Police shall
6 automatically expunge, on or before January 1 of each year, a
7 person's law enforcement records which are not subject to
8 subsection (1) relating to incidents occurring before his or
9 her 18th birthday in the Department's possession or control and
10 which contains the final disposition which pertain to the
11 person when arrested as a minor if:

12 (a) the minor was arrested for an eligible offense and
13 no petition for delinquency was filed with the clerk of the
14 circuit court; and

15 (b) the person attained the age of 18 years during the
16 last calendar year; and

17 (c) since the date of the minor's most recent arrest,
18 at least 6 months have elapsed without an additional
19 arrest, filing of a petition for delinquency whether
20 related or not to a previous arrest, or filing of charges
21 not initiated by arrest.

22 The Department of State Police shall allow a person to use
23 the Access and Review process, established in the Department of
24 State Police, for verifying that his or her law enforcement
25 records relating to incidents occurring before his or her 18th
26 birthday eligible under this subsection have been expunged as

1 provided in this subsection.

2 The Department of State Police shall provide by rule the
3 process for access, review, and automatic expungement.

4 (1.6) Commencing on January 1, 2015 (the effective date of
5 Public Act 98-637) ~~this amendatory Act of the 98th General~~
6 ~~Assembly~~, a person whose law enforcement records are not
7 subject to subsection (1) or (1.5) of this Section and who has
8 attained the age of 18 years may use the Access and Review
9 process, established in the Department of State Police, for
10 verifying his or her law enforcement records relating to
11 incidents occurring before his or her 18th birthday in the
12 Department's possession or control which pertain to the person
13 when arrested as a minor, if the incident occurred no earlier
14 than 30 years before January 1, 2015 (the effective date of
15 Public Act 98-637) ~~this amendatory Act of the 98th General~~
16 ~~Assembly~~. If the person identifies a law enforcement record of
17 an eligible offense that meets the requirements of this
18 subsection, paragraphs (a) and (c) of subsection (1.5) of this
19 Section, and all juvenile court proceedings related to the
20 person have been terminated, the person may file a Request for
21 Expungement of Juvenile Law Enforcement Records, in the form
22 and manner prescribed by the Department of State Police, with
23 the Department and the Department shall consider expungement of
24 the record as otherwise provided for automatic expungement
25 under subsection (1.5) of this Section. The person shall
26 provide notice and a copy of the Request for Expungement of

1 Juvenile Law Enforcement Records to the arresting agency,
2 prosecutor charged with the prosecution of the minor, or the
3 State's Attorney of the county that prosecuted the minor. The
4 Department of State Police shall provide by rule the process
5 for access, review, and Request for Expungement of Juvenile Law
6 Enforcement Records.

7 (1.7) Nothing in subsections (1.5) and (1.6) of this
8 Section precludes a person from filing a petition under
9 subsection (1) for expungement of records subject to automatic
10 expungement under that subsection (1) or subsection (1.5) or
11 (1.6) of this Section.

12 (1.8) For the purposes of subsections (1.5) and (1.6) of
13 this Section, "eligible offense" means records relating to an
14 arrest or incident occurring before the person's 18th birthday
15 that if committed by an adult is not an offense classified as a
16 Class 2 felony or higher offense, an offense under Article 11
17 of the Criminal Code of 1961 or the Criminal Code of 2012, or
18 an offense under Section 12-13, 12-14, 12-14.1, 12-15, or 12-16
19 of the Criminal Code of 1961.

20 (2) Any person may petition the court to expunge all law
21 enforcement records relating to any incidents occurring before
22 his or her 18th birthday which did not result in proceedings in
23 criminal court and all juvenile court records with respect to
24 any adjudications except those based upon first degree murder
25 and sex offenses which would be felonies if committed by an
26 adult, if the person for whom expungement is sought has had no

1 convictions for any crime since his or her 18th birthday and:

2 (a) has attained the age of 21 years; or

3 (b) 5 years have elapsed since all juvenile court
4 proceedings relating to him or her have been terminated or
5 his or her commitment to the Department of Juvenile Justice
6 pursuant to this Act has been terminated;

7 whichever is later of (a) or (b). Nothing in this Section 5-915
8 precludes a minor from obtaining expungement under Section
9 5-622.

10 (2.5) If a minor is arrested and no petition for
11 delinquency is filed with the clerk of the circuit court as
12 provided in paragraph (a) of subsection (1) at the time the
13 minor is released from custody, the youth officer, if
14 applicable, or other designated person from the arresting
15 agency, shall notify verbally and in writing to the minor or
16 the minor's parents or guardians that the minor has a right to
17 petition to have his or her arrest record expunged when all
18 juvenile court proceedings relating to that minor have been
19 terminated and that unless a petition to expunge is filed, the
20 minor shall have an arrest record and shall provide the minor
21 and the minor's parents or guardians with an expungement
22 information packet, including a petition to expunge juvenile
23 records obtained from the clerk of the circuit court.

24 (2.6) If a minor is charged with an offense and is found
25 not delinquent of that offense; or if a minor is placed under
26 supervision under Section 5-615, and the order of supervision

1 is successfully terminated; or if a minor is adjudicated for an
2 offense that would be a Class B misdemeanor, a Class C
3 misdemeanor, or a business or petty offense if committed by an
4 adult; or if a minor has incidents occurring before his or her
5 18th birthday that have not resulted in proceedings in criminal
6 court, or resulted in proceedings in juvenile court, and the
7 adjudications were not based upon first degree murder or sex
8 offenses that would be felonies if committed by an adult; then
9 at the time of sentencing or dismissal of the case, the judge
10 shall inform the delinquent minor of his or her right to
11 petition for expungement as provided by law, and the clerk of
12 the circuit court shall provide an expungement information
13 packet to the delinquent minor, written in plain language,
14 including a petition for expungement, a sample of a completed
15 petition, expungement instructions that shall include
16 information informing the minor that (i) once the case is
17 expunged, it shall be treated as if it never occurred, (ii) he
18 or she may apply to have petition fees waived, (iii) once he or
19 she obtains an expungement, he or she may not be required to
20 disclose that he or she had a juvenile record, and (iv) he or
21 she may file the petition on his or her own or with the
22 assistance of an attorney. The failure of the judge to inform
23 the delinquent minor of his or her right to petition for
24 expungement as provided by law does not create a substantive
25 right, nor is that failure grounds for: (i) a reversal of an
26 adjudication of delinquency, (ii) a new trial; or (iii) an

1 appeal.

2 (2.7) For counties with a population over 3,000,000, the
3 clerk of the circuit court shall send a "Notification of a
4 Possible Right to Expungement" post card to the minor at the
5 address last received by the clerk of the circuit court on the
6 date that the minor attains the age of 18 based on the
7 birthdate provided to the court by the minor or his or her
8 guardian in cases under paragraphs (b), (c), and (d) of
9 subsection (1); and when the minor attains the age of 21 based
10 on the birthdate provided to the court by the minor or his or
11 her guardian in cases under subsection (2).

12 (2.8) The petition for expungement for subsection (1) may
13 include multiple offenses on the same petition and shall be
14 substantially in the following form:

15 IN THE CIRCUIT COURT OF, ILLINOIS
16 JUDICIAL CIRCUIT

17 IN THE INTEREST OF) NO.
18)
19)
20)
21 (Name of Petitioner)

22 PETITION TO EXPUNGE JUVENILE RECORDS
23 (705 ILCS 405/5-915 (SUBSECTION 1))

24 Now comes, petitioner, and respectfully requests

1 that this Honorable Court enter an order expunging all juvenile
2 law enforcement and court records of petitioner and in support
3 thereof states that: Petitioner has attained the age of,
4 his/her birth date being, or all Juvenile Court
5 proceedings terminated as of, whichever occurred later.
6 Petitioner was arrested on by the Police
7 Department for the offense or offenses of, and:

8 (Check All That Apply:)

9 () a. no petition or petitions were filed with the Clerk of
10 the Circuit Court.

11 () b. was charged with and was found not delinquent of
12 the offense or offenses.

13 () c. a petition or petitions were filed and the petition or
14 petitions were dismissed without a finding of delinquency on
15

16 () d. on placed under supervision pursuant to Section
17 5-615 of the Juvenile Court Act of 1987 and such order of
18 supervision successfully terminated on

19 () e. was adjudicated for the offense or offenses, which would
20 have been a Class B misdemeanor, a Class C misdemeanor, or a
21 petty offense or business offense if committed by an adult.

22 Petitioner has has not been arrested on charges in
23 this or any county other than the charges listed above. If
24 petitioner has been arrested on additional charges, please list
25 the charges below:

26 Charge(s):

1 Arresting Agency or Agencies:

2 Disposition/Result: (choose from a. through e., above):

3 WHEREFORE, the petitioner respectfully requests this Honorable
4 Court to (1) order all law enforcement agencies to expunge all
5 records of petitioner to this incident or incidents, and (2) to
6 order the Clerk of the Court to expunge all records concerning
7 the petitioner regarding this incident or incidents.

8

9 Petitioner (Signature)

10

11 Petitioner's Street Address

12

13 City, State, Zip Code

14

15 Petitioner's Telephone Number

16 Pursuant to the penalties of perjury under the Code of Civil
17 Procedure, 735 ILCS 5/1-109, I hereby certify that the
18 statements in this petition are true and correct, or on
19 information and belief I believe the same to be true.

20

1 Petitioner (Signature)

2 The Petition for Expungement for subsection (2) shall be
3 substantially in the following form:

4 IN THE CIRCUIT COURT OF, ILLINOIS

5 JUDICIAL CIRCUIT

6 IN THE INTEREST OF) NO.

7)

8)

9)

10 (Name of Petitioner)

11 PETITION TO EXPUNGE JUVENILE RECORDS

12 (705 ILCS 405/5-915 (SUBSECTION 2))

13 (Please prepare a separate petition for each offense)

14 Now comes, petitioner, and respectfully requests
15 that this Honorable Court enter an order expunging all Juvenile
16 Law Enforcement and Court records of petitioner and in support
17 thereof states that:

18 The incident for which the Petitioner seeks expungement
19 occurred before the Petitioner's 18th birthday and did not
20 result in proceedings in criminal court and the Petitioner has
21 not had any convictions for any crime since his/her 18th
22 birthday; and

23 The incident for which the Petitioner seeks expungement

1 occurred before the Petitioner's 18th birthday and the
 2 adjudication was not based upon first degree ~~first degree~~
 3 murder or sex offenses which would be felonies if committed by
 4 an adult, and the Petitioner has not had any convictions for
 5 any crime since his/her 18th birthday.

6 Petitioner was arrested on by the Police
 7 Department for the offense of, and:

8 (Check whichever one occurred the latest:)

9 () a. The Petitioner has attained the age of 21 years, his/her
 10 birthday being; or

11 () b. 5 years have elapsed since all juvenile court
 12 proceedings relating to the Petitioner have been terminated; or
 13 the Petitioner's commitment to the Department of Juvenile
 14 Justice pursuant to the expungement of juvenile law enforcement
 15 and court records provisions of the Juvenile Court Act of 1987
 16 has been terminated. Petitioner ...has ...has not been arrested
 17 on charges in this or any other county other than the charge
 18 listed above. If petitioner has been arrested on additional
 19 charges, please list the charges below:

20 Charge(s):

21 Arresting Agency or Agencies:

22 Disposition/Result: (choose from a or b, above):

23 WHEREFORE, the petitioner respectfully requests this Honorable
 24 Court to (1) order all law enforcement agencies to expunge all
 25 records of petitioner related to this incident, and (2) to
 26 order the Clerk of the Court to expunge all records concerning

1 the petitioner regarding this incident.

2

3 Petitioner (Signature)

4

5 Petitioner's Street Address

6

7 City, State, Zip Code

8

9 Petitioner's Telephone Number

10 Pursuant to the penalties of perjury under the Code of Civil
11 Procedure, 735 ILCS 5/1-109, I hereby certify that the
12 statements in this petition are true and correct, or on
13 information and belief I believe the same to be true.

14

15 Petitioner (Signature)

16 (3) The chief judge of the circuit in which an arrest was
17 made or a charge was brought or any judge of that circuit
18 designated by the chief judge may, upon verified petition of a
19 person who is the subject of an arrest or a juvenile court
20 proceeding under subsection (1) or (2) of this Section, order
21 the law enforcement records or official court file, or both, to
22 be expunged from the official records of the arresting

1 authority, the clerk of the circuit court and the Department of
2 State Police. The person whose records are to be expunged shall
3 petition the court using the appropriate form containing his or
4 her current address and shall promptly notify the clerk of the
5 circuit court of any change of address. Notice of the petition
6 shall be served upon the State's Attorney or prosecutor charged
7 with the duty of prosecuting the offense, the Department of
8 State Police, and the arresting agency or agencies by the clerk
9 of the circuit court. If an objection is filed within 45 days
10 of the notice of the petition, the clerk of the circuit court
11 shall set a date for hearing after the 45-day ~~45-day~~ objection
12 period. At the hearing the court shall hear evidence on whether
13 the expungement should or should not be granted. Unless the
14 State's Attorney or prosecutor, the Department of State Police,
15 or an arresting agency objects to the expungement within 45
16 days of the notice, the court may enter an order granting
17 expungement. The clerk shall forward a certified copy of the
18 order to the Department of State Police and deliver a certified
19 copy of the order to the arresting agency.

20 (3.1) The Notice of Expungement shall be in substantially
21 the following form:

22 IN THE CIRCUIT COURT OF, ILLINOIS

23 JUDICIAL CIRCUIT

24 IN THE INTEREST OF) NO.

25)

1)
 2)
 3 (Name of Petitioner)

NOTICE

4
 5 TO: State's Attorney
 6 TO: Arresting Agency

7
 8
 9

10
 11
 12

13 TO: Illinois State Police

14
 15
 16
 17

ATTENTION: Expungement

18
 19 You are hereby notified that on, at, in courtroom
 20 ..., located at ..., before the Honorable ..., Judge, or any
 21 judge sitting in his/her stead, I shall then and there present
 22 a Petition to Expunge Juvenile records in the above-entitled
 23 matter, at which time and place you may appear.

24
 25 Petitioner's Signature

1
.....

2 Petitioner's Street Address

3
.....

4 City, State, Zip Code

5
.....

6 Petitioner's Telephone Number

7 PROOF OF SERVICE

8 On the day of, 20..., I on oath state that I
9 served this notice and true and correct copies of the
10 above-checked documents by:

11 (Check One:)

12 delivering copies personally to each entity to whom they are
13 directed;

14 or

15 by mailing copies to each entity to whom they are directed by
16 depositing the same in the U.S. Mail, proper postage fully
17 prepaid, before the hour of 5:00 p.m., at the United States
18 Postal Depository located at

19
.....

20

21 Signature

22 Clerk of the Circuit Court or Deputy Clerk

23 Printed Name of Delinquent Minor/Petitioner:

24 Address:

25 Telephone Number:

26 (3.2) The Order of Expungement shall be in substantially

1 the following form:

2 IN THE CIRCUIT COURT OF, ILLINOIS

3 JUDICIAL CIRCUIT

4 IN THE INTEREST OF) NO.

5)

6)

7)

8 (Name of Petitioner)

9 DOB

10 Arresting Agency/Agencies

11 ORDER OF EXPUNGEMENT

12 (705 ILCS 405/5-915 (SUBSECTION 3))

13 This matter having been heard on the petitioner's motion and
14 the court being fully advised in the premises does find that
15 the petitioner is indigent or has presented reasonable cause to
16 waive all costs in this matter, IT IS HEREBY ORDERED that:

17 () 1. Clerk of Court and Department of State Police costs
18 are hereby waived in this matter.

19 () 2. The Illinois State Police Bureau of Identification
20 and the following law enforcement agencies expunge all records
21 of petitioner relating to an arrest dated for the
22 offense of

23 Law Enforcement Agencies:

24

1
2

() 3. IT IS FURTHER ORDERED that the Clerk of the Circuit
3 Court expunge all records regarding the above-captioned case.

4 ENTER:

5
6 JUDGE

7 DATED:

8 Name:

9 Attorney for:

10 Address: City/State/Zip:

11 Attorney Number:

12 (3.3) The Notice of Objection shall be in substantially the
13 following form:

14 IN THE CIRCUIT COURT OF, ILLINOIS
15 JUDICIAL CIRCUIT

16 IN THE INTEREST OF) NO.

17)

18)

19)

20 (Name of Petitioner)

21 NOTICE OF OBJECTION

22 TO: (Attorney, Public Defender, Minor)

23

24

1 TO: (Illinois State Police)
 2
 3

4 TO: (Clerk of the Court)
 5
 6

7 TO: (Judge)
 8
 9

10 TO: (Arresting Agency/Agencies)
 11
 12

13 ATTENTION: You are hereby notified that an objection has been
 14 filed by the following entity regarding the above-named minor's
 15 petition for expungement of juvenile records:

- 16 () State's Attorney's Office;
- 17 () Prosecutor (other than State's Attorney's Office) charged
- 18 with the duty of prosecuting the offense sought to be expunged;
- 19 () Department of Illinois State Police; or
- 20 () Arresting Agency or Agencies.

21 The agency checked above respectfully requests that this case
 22 be continued and set for hearing on whether the expungement
 23 should or should not be granted.

24 DATED:

25 Name:

26 Attorney For:

1 Address:

2 City/State/Zip:

3 Telephone:

4 Attorney No.:

5 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

6 This matter has been set for hearing on the foregoing
7 objection, on in room, located at, before the
8 Honorable, Judge, or any judge sitting in his/her stead.
9 (Only one hearing shall be set, regardless of the number of
10 Notices of Objection received on the same case).

11 A copy of this completed Notice of Objection containing the
12 court date, time, and location, has been sent via regular U.S.
13 Mail to the following entities. (If more than one Notice of
14 Objection is received on the same case, each one must be
15 completed with the court date, time and location and mailed to
16 the following entities):

17 () Attorney, Public Defender or Minor;

18 () State's Attorney's Office;

19 () Prosecutor (other than State's Attorney's Office) charged
20 with the duty of prosecuting the offense sought to be expunged;

21 () Department of Illinois State Police; and

22 () Arresting agency or agencies.

23 Date:

24 Initials of Clerk completing this section:

25 (4) Upon entry of an order expunging records or files, the
26 offense, which the records or files concern shall be treated as

1 if it never occurred. Law enforcement officers and other public
2 offices and agencies shall properly reply on inquiry that no
3 record or file exists with respect to the person.

4 (5) Records which have not been expunged are sealed, and
5 may be obtained only under the provisions of Sections 5-901,
6 5-905, and 5-915.

7 (6) Nothing in this Section shall be construed to prohibit
8 the maintenance of information relating to an offense after
9 records or files concerning the offense have been expunged if
10 the information is kept in a manner that does not enable
11 identification of the offender. This information may only be
12 used for statistical and bona fide research purposes.

13 (6.5) The Department of State Police or any employee of the
14 Department shall be immune from civil or criminal liability for
15 failure to expunge any records of arrest that are subject to
16 expungement under subsection (1.5) or (1.6) of this Section
17 because of inability to verify a record. Nothing in subsection
18 (1.5) or (1.6) of this Section shall create Department of State
19 Police liability or responsibility for the expungement of law
20 enforcement records it does not possess.

21 (7) (a) The State Appellate Defender shall establish,
22 maintain, and carry out, by December 31, 2004, a juvenile
23 expungement program to provide information and assistance to
24 minors eligible to have their juvenile records expunged.

25 (b) The State Appellate Defender shall develop brochures,
26 pamphlets, and other materials in printed form and through the

1 agency's World Wide Web site. The pamphlets and other materials
2 shall include at a minimum the following information:

3 (i) An explanation of the State's juvenile expungement
4 process;

5 (ii) The circumstances under which juvenile
6 expungement may occur;

7 (iii) The juvenile offenses that may be expunged;

8 (iv) The steps necessary to initiate and complete the
9 juvenile expungement process; and

10 (v) Directions on how to contact the State Appellate
11 Defender.

12 (c) The State Appellate Defender shall establish and
13 maintain a statewide toll-free telephone number that a person
14 may use to receive information or assistance concerning the
15 expungement of juvenile records. The State Appellate Defender
16 shall advertise the toll-free telephone number statewide. The
17 State Appellate Defender shall develop an expungement
18 information packet that may be sent to eligible persons seeking
19 expungement of their juvenile records, which may include, but
20 is not limited to, a pre-printed expungement petition with
21 instructions on how to complete the petition and a pamphlet
22 containing information that would assist individuals through
23 the juvenile expungement process.

24 (d) The State Appellate Defender shall compile a statewide
25 list of volunteer attorneys willing to assist eligible
26 individuals through the juvenile expungement process.

1 (e) This Section shall be implemented from funds
2 appropriated by the General Assembly to the State Appellate
3 Defender for this purpose. The State Appellate Defender shall
4 employ the necessary staff and adopt the necessary rules for
5 implementation of this Section.

6 (8) (a) Except with respect to law enforcement agencies, the
7 Department of Corrections, State's Attorneys, or other
8 prosecutors, an expunged juvenile record may not be considered
9 by any private or public entity in employment matters,
10 certification, licensing, revocation of certification or
11 licensure, or registration. Applications for employment must
12 contain specific language that states that the applicant is not
13 obligated to disclose expunged juvenile records of conviction
14 or arrest. Employers may not ask if an applicant has had a
15 juvenile record expunged. Effective January 1, 2005, the
16 Department of Labor shall develop a link on the Department's
17 website to inform employers that employers may not ask if an
18 applicant had a juvenile record expunged and that application
19 for employment must contain specific language that states that
20 the applicant is not obligated to disclose expunged juvenile
21 records of arrest or conviction.

22 (b) A person whose juvenile records have been expunged is
23 not entitled to remission of any fines, costs, or other money
24 paid as a consequence of expungement. Public Act 93-912 ~~This~~
25 ~~amendatory Act of the 93rd General Assembly~~ does not affect the
26 right of the victim of a crime to prosecute or defend a civil

1 action for damages.

2 (c) The expungement of juvenile records under Section 5-622
3 shall be funded by the additional fine imposed under Section
4 5-9-1.17 of the Unified Code of Corrections and additional
5 appropriations made by the General Assembly for such purpose.

6 (9) The changes made to this Section by Public Act 98-61
7 apply to law enforcement records of a minor who has been
8 arrested or taken into custody on or after January 1, 2014 (the
9 effective date of Public Act 98-61).

10 (10) The changes made in subsection (1.5) of this Section
11 by Public Act 98-637 ~~this amendatory Act of the 98th General~~
12 ~~Assembly~~ apply to law enforcement records of a minor who has
13 been arrested or taken into custody on or after January 1,
14 2015. The changes made in subsection (1.6) of this Section by
15 Public Act 98-637 ~~this amendatory Act of the 98th General~~
16 ~~Assembly~~ apply to law enforcement records of a minor who has
17 been arrested or taken into custody before January 1, 2015.

18 (Source: P.A. 98-61, eff. 1-1-14; 98-637, eff. 1-1-15; 98-756,
19 eff. 7-16-14; 99-835, eff. 1-1-17; 99-881, eff. 1-1-17; revised
20 9-2-16.)

21 Section 665. The Criminal Code of 2012 is amended by
22 changing Sections 17-2, 24-1.6, 24-2, and 32-14 as follows:

23 (720 ILCS 5/17-2) (from Ch. 38, par. 17-2)

24 Sec. 17-2. False personation; solicitation.

1 (a) False personation; solicitation.

2 (1) A person commits a false personation when he or she
3 knowingly and falsely represents himself or herself to be a
4 member or representative of any veterans' or public safety
5 personnel organization or a representative of any
6 charitable organization, or when he or she knowingly
7 exhibits or uses in any manner any decal, badge or insignia
8 of any charitable, public safety personnel, or veterans'
9 organization when not authorized to do so by the
10 charitable, public safety personnel, or veterans'
11 organization. "Public safety personnel organization" has
12 the meaning ascribed to that term in Section 1 of the
13 Solicitation for Charity Act.

14 (2) A person commits a false personation when he or she
15 knowingly and falsely represents himself or herself to be a
16 veteran in seeking employment or public office. In this
17 paragraph, "veteran" means a person who has served in the
18 Armed Services or Reserve Forces of the United States.

19 (2.1) A person commits a false personation when he or
20 she knowingly and falsely represents himself or herself to
21 be:

22 (A) an active-duty member of the Armed Services or
23 Reserve Forces of the United States or the National
24 Guard or a veteran of the Armed Services or Reserve
25 Forces of the United States or the National Guard; and

26 (B) obtains money, property, or another tangible

1 benefit through that false representation.

2 In this paragraph, "member of the Armed Services or
3 Reserve Forces of the United States" means a member of the
4 United States Navy, Army, Air Force, Marine Corps, or Coast
5 Guard; and "veteran" means a person who has served in the
6 Armed Services or Reserve Forces of the United States or
7 the National Guard.

8 (2.5) A person commits a false personation when he or
9 she knowingly and falsely represents himself or herself to
10 be:

11 (A) another actual person and does an act in such
12 assumed character with intent to intimidate, threaten,
13 injure, defraud, or to obtain a benefit from another;
14 or

15 (B) a representative of an actual person or
16 organization and does an act in such false capacity
17 with intent to obtain a benefit or to injure or defraud
18 another.

19 (3) No person shall knowingly use the words "Police",
20 "Police Department", "Patrolman", "Sergeant",
21 "Lieutenant", "Peace Officer", "Sheriff's Police",
22 "Sheriff", "Officer", "Law Enforcement", "Trooper",
23 "Deputy", "Deputy Sheriff", "State Police", or any other
24 words to the same effect (i) in the title of any
25 organization, magazine, or other publication without the
26 express approval of the named public safety personnel

1 organization's governing board or (ii) in combination with
2 the name of any state, state agency, public university, or
3 unit of local government without the express written
4 authorization of that state, state agency, public
5 university, or unit of local government.

6 (4) No person may knowingly claim or represent that he
7 or she is acting on behalf of any public safety personnel
8 organization when soliciting financial contributions or
9 selling or delivering or offering to sell or deliver any
10 merchandise, goods, services, memberships, or
11 advertisements unless the chief of the police department,
12 fire department, and the corporate or municipal authority
13 thereof, or the sheriff has first entered into a written
14 agreement with the person or with an organization with
15 which the person is affiliated and the agreement permits
16 the activity and specifies and states clearly and fully the
17 purpose for which the proceeds of the solicitation,
18 contribution, or sale will be used.

19 (5) No person, when soliciting financial contributions
20 or selling or delivering or offering to sell or deliver any
21 merchandise, goods, services, memberships, or
22 advertisements may claim or represent that he or she is
23 representing or acting on behalf of any nongovernmental
24 organization by any name which includes "officer", "peace
25 officer", "police", "law enforcement", "trooper",
26 "sheriff", "deputy", "deputy sheriff", "State police", or

1 any other word or words which would reasonably be
2 understood to imply that the organization is composed of
3 law enforcement personnel unless:

4 (A) the person is actually representing or acting
5 on behalf of the nongovernmental organization;

6 (B) the nongovernmental organization is controlled
7 by and governed by a membership of and represents a
8 group or association of active duty peace officers,
9 retired peace officers, or injured peace officers; and

10 (C) before commencing the solicitation or the sale
11 or the offers to sell any merchandise, goods, services,
12 memberships, or advertisements, a written contract
13 between the soliciting or selling person and the
14 nongovernmental organization, which specifies and
15 states clearly and fully the purposes for which the
16 proceeds of the solicitation, contribution, or sale
17 will be used, has been entered into.

18 (6) No person, when soliciting financial contributions
19 or selling or delivering or offering to sell or deliver any
20 merchandise, goods, services, memberships, or
21 advertisements, may knowingly claim or represent that he or
22 she is representing or acting on behalf of any
23 nongovernmental organization by any name which includes
24 the term "fireman", "fire fighter", "paramedic", or any
25 other word or words which would reasonably be understood to
26 imply that the organization is composed of fire fighter or

1 paramedic personnel unless:

2 (A) the person is actually representing or acting
3 on behalf of the nongovernmental organization;

4 (B) the nongovernmental organization is controlled
5 by and governed by a membership of and represents a
6 group or association of active duty, retired, or
7 injured fire fighters (for the purposes of this
8 Section, "fire fighter" has the meaning ascribed to
9 that term in Section 2 of the Illinois Fire Protection
10 Training Act) or active duty, retired, or injured
11 emergency medical technicians - ambulance, emergency
12 medical technicians - intermediate, emergency medical
13 technicians - paramedic, ambulance drivers, or other
14 medical assistance or first aid personnel; and

15 (C) before commencing the solicitation or the sale
16 or delivery or the offers to sell or deliver any
17 merchandise, goods, services, memberships, or
18 advertisements, the soliciting or selling person and
19 the nongovernmental organization have entered into a
20 written contract that specifies and states clearly and
21 fully the purposes for which the proceeds of the
22 solicitation, contribution, or sale will be used.

23 (7) No person may knowingly claim or represent that he
24 or she is an airman, airline employee, airport employee, or
25 contractor at an airport in order to obtain the uniform,
26 identification card, license, or other identification

1 paraphernalia of an airman, airline employee, airport
2 employee, or contractor at an airport.

3 (8) No person, firm, copartnership, or corporation
4 (except corporations organized and doing business under
5 the Pawners Societies Act) shall knowingly use a name that
6 contains in it the words "Pawners' Society".

7 (b) False personation; public officials and employees. A
8 person commits a false personation if he or she knowingly and
9 falsely represents himself or herself to be any of the
10 following:

11 (1) An attorney authorized to practice law for purposes
12 of compensation or consideration. This paragraph (b)(1)
13 does not apply to a person who unintentionally fails to pay
14 attorney registration fees established by Supreme Court
15 Rule.

16 (2) A public officer or a public employee or an
17 official or employee of the federal government.

18 (2.3) A public officer, a public employee, or an
19 official or employee of the federal government, and the
20 false representation is made in furtherance of the
21 commission of felony.

22 (2.7) A public officer or a public employee, and the
23 false representation is for the purpose of effectuating
24 identity theft as defined in Section 16-30 of this Code.

25 (3) A peace officer.

26 (4) A peace officer while carrying a deadly weapon.

1 (5) A peace officer in attempting or committing a
2 felony.

3 (6) A peace officer in attempting or committing a
4 forcible felony.

5 (7) The parent, legal guardian, or other relation of a
6 minor child to any public official, public employee, or
7 elementary or secondary school employee or administrator.

8 (7.5) The legal guardian, including any representative
9 of a State or public guardian, of a person with a
10 disability appointed under Article XIa of the Probate Act
11 of 1975.

12 (8) A fire fighter.

13 (9) A fire fighter while carrying a deadly weapon.

14 (10) A fire fighter in attempting or committing a
15 felony.

16 (11) An emergency management worker of any
17 jurisdiction in this State.

18 (12) An emergency management worker of any
19 jurisdiction in this State in attempting or committing a
20 felony. For the purposes of this subsection (b), "emergency
21 management worker" has the meaning provided under Section
22 2-6.6 of this Code.

23 (b-5) The trier of fact may infer that a person falsely
24 represents himself or herself to be a public officer or a
25 public employee or an official or employee of the federal
26 government if the person:

1 (1) wears or displays without authority any uniform,
2 badge, insignia, or facsimile thereof by which a public
3 officer or public employee or official or employee of the
4 federal government is lawfully distinguished; or

5 (2) falsely expresses by word or action that he or she
6 is a public officer or public employee or official or
7 employee of the federal government and is acting with
8 approval or authority of a public agency or department.

9 (c) Fraudulent advertisement of a corporate name.

10 (1) A company, association, or individual commits
11 fraudulent advertisement of a corporate name if he, she, or
12 it, not being incorporated, puts forth a sign or
13 advertisement and assumes, for the purpose of soliciting
14 business, a corporate name.

15 (2) Nothing contained in this subsection (c) prohibits
16 a corporation, company, association, or person from using a
17 divisional designation or trade name in conjunction with
18 its corporate name or assumed name under Section 4.05 of
19 the Business Corporation Act of 1983 or, if it is a member
20 of a partnership or joint venture, from doing partnership
21 or joint venture business under the partnership or joint
22 venture name. The name under which the joint venture or
23 partnership does business may differ from the names of the
24 members. Business may not be conducted or transacted under
25 that joint venture or partnership name, however, unless all
26 provisions of the Assumed Business Name Act have been

1 complied with. Nothing in this subsection (c) permits a
2 foreign corporation to do business in this State without
3 complying with all Illinois laws regulating the doing of
4 business by foreign corporations. No foreign corporation
5 may conduct or transact business in this State as a member
6 of a partnership or joint venture that violates any
7 Illinois law regulating or pertaining to the doing of
8 business by foreign corporations in Illinois.

9 (3) The provisions of this subsection (c) do not apply
10 to limited partnerships formed under the Revised Uniform
11 Limited Partnership Act or under the Uniform Limited
12 Partnership Act (2001).

13 (d) False law enforcement badges.

14 (1) A person commits false law enforcement badges if he
15 or she knowingly produces, sells, or distributes a law
16 enforcement badge without the express written consent of
17 the law enforcement agency represented on the badge or, in
18 case of a reorganized or defunct law enforcement agency,
19 its successor law enforcement agency.

20 (2) It is a defense to false law enforcement badges
21 that the law enforcement badge is used or is intended to be
22 used exclusively: (i) as a memento or in a collection or
23 exhibit; (ii) for decorative purposes; or (iii) for a
24 dramatic presentation, such as a theatrical, film, or
25 television production.

26 (e) False medals.

1 (1) A person commits a false personation if he or she
2 knowingly and falsely represents himself or herself to be a
3 recipient of, or wears on his or her person, any of the
4 following medals if that medal was not awarded to that
5 person by the United States Government, irrespective of
6 branch of service: The Congressional Medal of Honor, The
7 Distinguished Service Cross, The Navy Cross, The Air Force
8 Cross, The Silver Star, The Bronze Star, or the Purple
9 Heart.

10 (2) It is a defense to a prosecution under paragraph
11 (e)(1) that the medal is used, or is intended to be used,
12 exclusively:

13 (A) for a dramatic presentation, such as a
14 theatrical, film, or television production, or a
15 historical re-enactment; or

16 (B) for a costume worn, or intended to be worn, by
17 a person under 18 years of age.

18 (f) Sentence.

19 (1) A violation of paragraph (a)(8) is a petty offense
20 subject to a fine of not less than \$5 nor more than \$100,
21 and the person, firm, copartnership, or corporation
22 commits an additional petty offense for each day he, she,
23 or it continues to commit the violation. A violation of
24 paragraph (c)(1) is a petty offense, and the company,
25 association, or person commits an additional petty offense
26 for each day he, she, or it continues to commit the

1 violation. A violation of paragraph (a) (2.1) or subsection
2 (e) is a petty offense for which the offender shall be
3 fined at least \$100 and not more than \$200.

4 (2) A violation of paragraph (a) (1), (a) (3), or
5 (b) (7.5) is a Class C misdemeanor.

6 (3) A violation of paragraph (a) (2), (a) (2.5), (a) (7),
7 (b) (2), or (b) (7) or subsection (d) is a Class A
8 misdemeanor. A second or subsequent violation of
9 subsection (d) is a Class 3 felony.

10 (4) A violation of paragraph (a) (4), (a) (5), (a) (6),
11 (b) (1), (b) (2.3), (b) (2.7), (b) (3), (b) (8), or (b) (11) is a
12 Class 4 felony.

13 (5) A violation of paragraph (b) (4), (b) (9), or (b) (12)
14 is a Class 3 felony.

15 (6) A violation of paragraph (b) (5) or (b) (10) is a
16 Class 2 felony.

17 (7) A violation of paragraph (b) (6) is a Class 1
18 felony.

19 (g) A violation of subsection (a) (1) through (a) (7) or
20 subsection (e) of this Section may be accomplished in person or
21 by any means of communication, including but not limited to the
22 use of an Internet website or any form of electronic
23 communication.

24 (Source: P.A. 98-1125, eff. 1-1-15; 99-143, eff. 7-27-15;
25 99-561, eff. 7-15-16; revised 9-2-16.)

1 (720 ILCS 5/24-1.6)

2 Sec. 24-1.6. Aggravated unlawful use of a weapon.

3 (a) A person commits the offense of aggravated unlawful use
4 of a weapon when he or she knowingly:

5 (1) Carries on or about his or her person or in any
6 vehicle or concealed on or about his or her person except
7 when on his or her land or in his or her abode, legal
8 dwelling, or fixed place of business, or on the land or in
9 the legal dwelling of another person as an invitee with
10 that person's permission, any pistol, revolver, stun gun or
11 taser or other firearm; or

12 (2) Carries or possesses on or about his or her person,
13 upon any public street, alley, or other public lands within
14 the corporate limits of a city, village or incorporated
15 town, except when an invitee thereon or therein, for the
16 purpose of the display of such weapon or the lawful
17 commerce in weapons, or except when on his or her own land
18 or in his or her own abode, legal dwelling, or fixed place
19 of business, or on the land or in the legal dwelling of
20 another person as an invitee with that person's permission,
21 any pistol, revolver, stun gun or taser or other firearm;
22 and

23 (3) One of the following factors is present:

24 (A) the firearm, other than a pistol, revolver, or
25 handgun, possessed was uncased, loaded, and
26 immediately accessible at the time of the offense; or

1 (A-5) the pistol, revolver, or handgun possessed
2 was uncased, loaded, and immediately accessible at the
3 time of the offense and the person possessing the
4 pistol, revolver, or handgun has not been issued a
5 currently valid license under the Firearm Concealed
6 Carry Act; or

7 (B) the firearm, other than a pistol, revolver, or
8 handgun, possessed was uncased, unloaded, and the
9 ammunition for the weapon was immediately accessible
10 at the time of the offense; or

11 (B-5) the pistol, revolver, or handgun possessed
12 was uncased, unloaded, and the ammunition for the
13 weapon was immediately accessible at the time of the
14 offense and the person possessing the pistol,
15 revolver, or handgun has not been issued a currently
16 valid license under the Firearm Concealed Carry Act; or

17 (C) the person possessing the firearm has not been
18 issued a currently valid Firearm Owner's
19 Identification Card; or

20 (D) the person possessing the weapon was
21 previously adjudicated a delinquent minor under the
22 Juvenile Court Act of 1987 for an act that if committed
23 by an adult would be a felony; or

24 (E) the person possessing the weapon was engaged in
25 a misdemeanor violation of the Cannabis Control Act, in
26 a misdemeanor violation of the Illinois Controlled

1 Substances Act, or in a misdemeanor violation of the
2 Methamphetamine Control and Community Protection Act;
3 or

4 (F) (blank); or

5 (G) the person possessing the weapon had an ~~a~~ order
6 of protection issued against him or her within the
7 previous 2 years; or

8 (H) the person possessing the weapon was engaged in
9 the commission or attempted commission of a
10 misdemeanor involving the use or threat of violence
11 against the person or property of another; or

12 (I) the person possessing the weapon was under 21
13 years of age and in possession of a handgun, unless the
14 person under 21 is engaged in lawful activities under
15 the Wildlife Code or described in subsection
16 24-2(b)(1), (b)(3), or 24-2(f).

17 (a-5) "Handgun" as used in this Section has the meaning
18 given to it in Section 5 of the Firearm Concealed Carry Act.

19 (b) "Stun gun or taser" as used in this Section has the
20 same definition given to it in Section 24-1 of this Code.

21 (c) This Section does not apply to or affect the
22 transportation or possession of weapons that:

23 (i) are broken down in a non-functioning state; or

24 (ii) are not immediately accessible; or

25 (iii) are unloaded and enclosed in a case, firearm
26 carrying box, shipping box, or other container by a person

1 who has been issued a currently valid Firearm Owner's
2 Identification Card.

3 (d) Sentence.

4 (1) Aggravated unlawful use of a weapon is a Class 4
5 felony; a second or subsequent offense is a Class 2 felony
6 for which the person shall be sentenced to a term of
7 imprisonment of not less than 3 years and not more than 7
8 years.

9 (2) Except as otherwise provided in paragraphs (3) and
10 (4) of this subsection (d), a first offense of aggravated
11 unlawful use of a weapon committed with a firearm by a
12 person 18 years of age or older where the factors listed in
13 both items (A) and (C) or both items (A-5) and (C) of
14 paragraph (3) of subsection (a) are present is a Class 4
15 felony, for which the person shall be sentenced to a term
16 of imprisonment of not less than one year and not more than
17 3 years.

18 (3) Aggravated unlawful use of a weapon by a person who
19 has been previously convicted of a felony in this State or
20 another jurisdiction is a Class 2 felony for which the
21 person shall be sentenced to a term of imprisonment of not
22 less than 3 years and not more than 7 years.

23 (4) Aggravated unlawful use of a weapon while wearing
24 or in possession of body armor as defined in Section 33F-1
25 by a person who has not been issued a valid Firearms
26 Owner's Identification Card in accordance with Section 5 of

1 the Firearm Owners Identification Card Act is a Class X
2 felony.

3 (e) The possession of each firearm in violation of this
4 Section constitutes a single and separate violation.

5 (Source: P.A. 98-63, eff. 7-9-13; revised 10-6-16.)

6 (720 ILCS 5/24-2)

7 Sec. 24-2. Exemptions.

8 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
9 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
10 the following:

11 (1) Peace officers, and any person summoned by a peace
12 officer to assist in making arrests or preserving the
13 peace, while actually engaged in assisting such officer.

14 (2) Wardens, superintendents and keepers of prisons,
15 penitentiaries, jails and other institutions for the
16 detention of persons accused or convicted of an offense,
17 while in the performance of their official duty, or while
18 commuting between their homes and places of employment.

19 (3) Members of the Armed Services or Reserve Forces of
20 the United States or the Illinois National Guard or the
21 Reserve Officers Training Corps, while in the performance
22 of their official duty.

23 (4) Special agents employed by a railroad or a public
24 utility to perform police functions, and guards of armored
25 car companies, while actually engaged in the performance of

1 the duties of their employment or commuting between their
2 homes and places of employment; and watchmen while actually
3 engaged in the performance of the duties of their
4 employment.

5 (5) Persons licensed as private security contractors,
6 private detectives, or private alarm contractors, or
7 employed by a private security contractor, private
8 detective, or private alarm contractor agency licensed by
9 the Department of Financial and Professional Regulation,
10 if their duties include the carrying of a weapon under the
11 provisions of the Private Detective, Private Alarm,
12 Private Security, Fingerprint Vendor, and Locksmith Act of
13 2004, while actually engaged in the performance of the
14 duties of their employment or commuting between their homes
15 and places of employment. A person shall be considered
16 eligible for this exemption if he or she has completed the
17 required 20 hours of training for a private security
18 contractor, private detective, or private alarm
19 contractor, or employee of a licensed private security
20 contractor, private detective, or private alarm contractor
21 agency and 20 hours of required firearm training, and has
22 been issued a firearm control card by the Department of
23 Financial and Professional Regulation. Conditions for the
24 renewal of firearm control cards issued under the
25 provisions of this Section shall be the same as for those
26 cards issued under the provisions of the Private Detective,

1 Private Alarm, Private Security, Fingerprint Vendor, and
2 Locksmith Act of 2004. The firearm control card shall be
3 carried by the private security contractor, private
4 detective, or private alarm contractor, or employee of the
5 licensed private security contractor, private detective,
6 or private alarm contractor agency at all times when he or
7 she is in possession of a concealable weapon permitted by
8 his or her firearm control card.

9 (6) Any person regularly employed in a commercial or
10 industrial operation as a security guard for the protection
11 of persons employed and private property related to such
12 commercial or industrial operation, while actually engaged
13 in the performance of his or her duty or traveling between
14 sites or properties belonging to the employer, and who, as
15 a security guard, is a member of a security force
16 registered with the Department of Financial and
17 Professional Regulation; provided that such security guard
18 has successfully completed a course of study, approved by
19 and supervised by the Department of Financial and
20 Professional Regulation, consisting of not less than 40
21 hours of training that includes the theory of law
22 enforcement, liability for acts, and the handling of
23 weapons. A person shall be considered eligible for this
24 exemption if he or she has completed the required 20 hours
25 of training for a security officer and 20 hours of required
26 firearm training, and has been issued a firearm control

1 card by the Department of Financial and Professional
2 Regulation. Conditions for the renewal of firearm control
3 cards issued under the provisions of this Section shall be
4 the same as for those cards issued under the provisions of
5 the Private Detective, Private Alarm, Private Security,
6 Fingerprint Vendor, and Locksmith Act of 2004. The firearm
7 control card shall be carried by the security guard at all
8 times when he or she is in possession of a concealable
9 weapon permitted by his or her firearm control card.

10 (7) Agents and investigators of the Illinois
11 Legislative Investigating Commission authorized by the
12 Commission to carry the weapons specified in subsections
13 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
14 any investigation for the Commission.

15 (8) Persons employed by a financial institution as a
16 security guard for the protection of other employees and
17 property related to such financial institution, while
18 actually engaged in the performance of their duties,
19 commuting between their homes and places of employment, or
20 traveling between sites or properties owned or operated by
21 such financial institution, and who, as a security guard,
22 is a member of a security force registered with the
23 Department; provided that any person so employed has
24 successfully completed a course of study, approved by and
25 supervised by the Department of Financial and Professional
26 Regulation, consisting of not less than 40 hours of

1 training which includes theory of law enforcement,
2 liability for acts, and the handling of weapons. A person
3 shall be considered to be eligible for this exemption if he
4 or she has completed the required 20 hours of training for
5 a security officer and 20 hours of required firearm
6 training, and has been issued a firearm control card by the
7 Department of Financial and Professional Regulation.
8 Conditions for renewal of firearm control cards issued
9 under the provisions of this Section shall be the same as
10 for those issued under the provisions of the Private
11 Detective, Private Alarm, Private Security, Fingerprint
12 Vendor, and Locksmith Act of 2004. The firearm control card
13 shall be carried by the security guard at all times when he
14 or she is in possession of a concealable weapon permitted
15 by his or her firearm control card. For purposes of this
16 subsection, "financial institution" means a bank, savings
17 and loan association, credit union or company providing
18 armored car services.

19 (9) Any person employed by an armored car company to
20 drive an armored car, while actually engaged in the
21 performance of his duties.

22 (10) Persons who have been classified as peace officers
23 pursuant to the Peace Officer Fire Investigation Act.

24 (11) Investigators of the Office of the State's
25 Attorneys Appellate Prosecutor authorized by the board of
26 governors of the Office of the State's Attorneys Appellate

1 Prosecutor to carry weapons pursuant to Section 7.06 of the
2 State's Attorneys Appellate Prosecutor's Act.

3 (12) Special investigators appointed by a State's
4 Attorney under Section 3-9005 of the Counties Code.

5 (12.5) Probation officers while in the performance of
6 their duties, or while commuting between their homes,
7 places of employment or specific locations that are part of
8 their assigned duties, with the consent of the chief judge
9 of the circuit for which they are employed, if they have
10 received weapons training according to requirements of the
11 Peace Officer and Probation Officer Firearm Training Act.

12 (13) Court Security Officers while in the performance
13 of their official duties, or while commuting between their
14 homes and places of employment, with the consent of the
15 Sheriff.

16 (13.5) A person employed as an armed security guard at
17 a nuclear energy, storage, weapons or development site or
18 facility regulated by the Nuclear Regulatory Commission
19 who has completed the background screening and training
20 mandated by the rules and regulations of the Nuclear
21 Regulatory Commission.

22 (14) Manufacture, transportation, or sale of weapons
23 to persons authorized under subdivisions (1) through
24 (13.5) of this subsection to possess those weapons.

25 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
26 to or affect any person carrying a concealed pistol, revolver,

1 or handgun and the person has been issued a currently valid
2 license under the Firearm Concealed Carry Act at the time of
3 the commission of the offense.

4 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
5 24-1.6 do not apply to or affect any of the following:

6 (1) Members of any club or organization organized for
7 the purpose of practicing shooting at targets upon
8 established target ranges, whether public or private, and
9 patrons of such ranges, while such members or patrons are
10 using their firearms on those target ranges.

11 (2) Duly authorized military or civil organizations
12 while parading, with the special permission of the
13 Governor.

14 (3) Hunters, trappers or fishermen with a license or
15 permit while engaged in hunting, trapping or fishing.

16 (4) Transportation of weapons that are broken down in a
17 non-functioning state or are not immediately accessible.

18 (5) Carrying or possessing any pistol, revolver, stun
19 gun or taser or other firearm on the land or in the legal
20 dwelling of another person as an invitee with that person's
21 permission.

22 (c) Subsection 24-1(a)(7) does not apply to or affect any
23 of the following:

24 (1) Peace officers while in performance of their
25 official duties.

26 (2) Wardens, superintendents and keepers of prisons,

1 penitentiaries, jails and other institutions for the
2 detention of persons accused or convicted of an offense.

3 (3) Members of the Armed Services or Reserve Forces of
4 the United States or the Illinois National Guard, while in
5 the performance of their official duty.

6 (4) Manufacture, transportation, or sale of machine
7 guns to persons authorized under subdivisions (1) through
8 (3) of this subsection to possess machine guns, if the
9 machine guns are broken down in a non-functioning state or
10 are not immediately accessible.

11 (5) Persons licensed under federal law to manufacture
12 any weapon from which 8 or more shots or bullets can be
13 discharged by a single function of the firing device, or
14 ammunition for such weapons, and actually engaged in the
15 business of manufacturing such weapons or ammunition, but
16 only with respect to activities which are within the lawful
17 scope of such business, such as the manufacture,
18 transportation, or testing of such weapons or ammunition.
19 This exemption does not authorize the general private
20 possession of any weapon from which 8 or more shots or
21 bullets can be discharged by a single function of the
22 firing device, but only such possession and activities as
23 are within the lawful scope of a licensed manufacturing
24 business described in this paragraph.

25 During transportation, such weapons shall be broken
26 down in a non-functioning state or not immediately

1 accessible.

2 (6) The manufacture, transport, testing, delivery,
3 transfer or sale, and all lawful commercial or experimental
4 activities necessary thereto, of rifles, shotguns, and
5 weapons made from rifles or shotguns, or ammunition for
6 such rifles, shotguns or weapons, where engaged in by a
7 person operating as a contractor or subcontractor pursuant
8 to a contract or subcontract for the development and supply
9 of such rifles, shotguns, weapons or ammunition to the
10 United States government or any branch of the Armed Forces
11 of the United States, when such activities are necessary
12 and incident to fulfilling the terms of such contract.

13 The exemption granted under this subdivision (c)(6)
14 shall also apply to any authorized agent of any such
15 contractor or subcontractor who is operating within the
16 scope of his employment, where such activities involving
17 such weapon, weapons or ammunition are necessary and
18 incident to fulfilling the terms of such contract.

19 (7) A person possessing a rifle with a barrel or
20 barrels less than 16 inches in length if: (A) the person
21 has been issued a Curios and Relics license from the U.S.
22 Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B)
23 the person is an active member of a bona fide, nationally
24 recognized military re-enacting group and the modification
25 is required and necessary to accurately portray the weapon
26 for historical re-enactment purposes; the re-enactor is in

1 possession of a valid and current re-enacting group
2 membership credential; and the overall length of the weapon
3 as modified is not less than 26 inches.

4 (d) Subsection 24-1(a)(1) does not apply to the purchase,
5 possession or carrying of a black-jack or slung-shot by a peace
6 officer.

7 (e) Subsection 24-1(a)(8) does not apply to any owner,
8 manager or authorized employee of any place specified in that
9 subsection nor to any law enforcement officer.

10 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
11 Section 24-1.6 do not apply to members of any club or
12 organization organized for the purpose of practicing shooting
13 at targets upon established target ranges, whether public or
14 private, while using their firearms on those target ranges.

15 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
16 to:

17 (1) Members of the Armed Services or Reserve Forces of
18 the United States or the Illinois National Guard, while in
19 the performance of their official duty.

20 (2) Bonafide collectors of antique or surplus military
21 ordnance ~~ordnance~~.

22 (3) Laboratories having a department of forensic
23 ballistics, or specializing in the development of
24 ammunition or explosive ordnance ~~ordnance~~.

25 (4) Commerce, preparation, assembly or possession of
26 explosive bullets by manufacturers of ammunition licensed

1 by the federal government, in connection with the supply of
2 those organizations and persons exempted by subdivision
3 (g)(1) of this Section, or like organizations and persons
4 outside this State, or the transportation of explosive
5 bullets to any organization or person exempted in this
6 Section by a common carrier or by a vehicle owned or leased
7 by an exempted manufacturer.

8 (g-5) Subsection 24-1(a)(6) does not apply to or affect
9 persons licensed under federal law to manufacture any device or
10 attachment of any kind designed, used, or intended for use in
11 silencing the report of any firearm, firearms, or ammunition
12 for those firearms equipped with those devices, and actually
13 engaged in the business of manufacturing those devices,
14 firearms, or ammunition, but only with respect to activities
15 that are within the lawful scope of that business, such as the
16 manufacture, transportation, or testing of those devices,
17 firearms, or ammunition. This exemption does not authorize the
18 general private possession of any device or attachment of any
19 kind designed, used, or intended for use in silencing the
20 report of any firearm, but only such possession and activities
21 as are within the lawful scope of a licensed manufacturing
22 business described in this subsection (g-5). During
23 transportation, these devices shall be detached from any weapon
24 or not immediately accessible.

25 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
26 24-1.6 do not apply to or affect any parole agent or parole

1 supervisor who meets the qualifications and conditions
2 prescribed in Section 3-14-1.5 of the Unified Code of
3 Corrections.

4 (g-7) Subsection 24-1(a)(6) does not apply to a peace
5 officer while serving as a member of a tactical response team
6 or special operations team. A peace officer may not personally
7 own or apply for ownership of a device or attachment of any
8 kind designed, used, or intended for use in silencing the
9 report of any firearm. These devices shall be owned and
10 maintained by lawfully recognized units of government whose
11 duties include the investigation of criminal acts.

12 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and
13 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an
14 athlete's possession, transport on official Olympic and
15 Paralympic transit systems established for athletes, or use of
16 competition firearms sanctioned by the International Olympic
17 Committee, the International Paralympic Committee, the
18 International Shooting Sport Federation, or USA Shooting in
19 connection with such athlete's training for and participation
20 in shooting competitions at the 2016 Olympic and Paralympic
21 Games and sanctioned test events leading up to the 2016 Olympic
22 and Paralympic Games.

23 (h) An information or indictment based upon a violation of
24 any subsection of this Article need not negative any exemptions
25 contained in this Article. The defendant shall have the burden
26 of proving such an exemption.

1 (i) Nothing in this Article shall prohibit, apply to, or
2 affect the transportation, carrying, or possession, of any
3 pistol or revolver, stun gun, taser, or other firearm consigned
4 to a common carrier operating under license of the State of
5 Illinois or the federal government, where such transportation,
6 carrying, or possession is incident to the lawful
7 transportation in which such common carrier is engaged; and
8 nothing in this Article shall prohibit, apply to, or affect the
9 transportation, carrying, or possession of any pistol,
10 revolver, stun gun, taser, or other firearm, not the subject of
11 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of
12 this Article, which is unloaded and enclosed in a case, firearm
13 carrying box, shipping box, or other container, by the
14 possessor of a valid Firearm Owners Identification Card.

15 (Source: P.A. 98-63, eff. 7-9-13; 98-463, eff. 8-16-13; 98-725,
16 eff. 1-1-15; 99-174, eff. 7-29-15; revised 10-6-16.)

17 (720 ILCS 5/32-14)

18 Sec. 32-14. Unlawful manipulation of a judicial sale.

19 (a) A person commits the offense of unlawful manipulation
20 of a judicial sale when he or she knowingly and by any means
21 makes any contract with or engages in any combination or
22 conspiracy with any other person who is, or but for a prior
23 agreement is, a competitor of such person for the purpose of or
24 with the effect of fixing, controlling, limiting, or otherwise
25 manipulating (1) the participation of any person in, or (2) the

1 making of bids, at any judicial sale.

2 (b) Penalties. Unlawful manipulation of a judicial sale is
3 a Class 3 felony. A mandatory fine shall be imposed for a
4 violation, not to exceed \$1,000,000 if the violator is a
5 corporation, or, if the violator is any other person, \$100,000.
6 A second or subsequent violation is a Class 2 felony.

7 (c) Injunctive and other relief. The State's Attorney shall
8 bring suit in the circuit court to prevent and restrain
9 violations of subsection (a). In such a proceeding, the court
10 shall determine whether a violation has been committed, and
11 shall enter such judgment as it considers necessary to remove
12 the effects of any violation which it finds, and to prevent
13 such violation from continuing or from being renewed in the
14 future. The court, in its discretion, may exercise all powers
15 necessary for this purpose, including, but not limited to,
16 injunction and divestiture of property.

17 (d) Private right of action. Any person who has been
18 injured by a violation of subsection (a) may maintain an action
19 in the Circuit Court for damages, or for an injunction, or
20 both, against any person who has committed such violation. If,
21 in an action for an injunction, the court issues an injunction,
22 the plaintiff shall be awarded costs and reasonable attorney's
23 fees. In an action for damages, the person injured shall be
24 awarded 3 times the amount of actual damages. This State,
25 counties, municipalities, townships, and any political
26 subdivision organized under the authority of this State, and

1 the United States, are considered a person having standing to
2 bring an action under this subsection. Any action for damages
3 under this subsection is forever barred unless commenced within
4 4 years after the cause of action accrued. In any action for
5 damages under this subsection, the court may, in its
6 discretion, award reasonable fees to the prevailing defendant
7 upon a finding that the plaintiff acted in bad faith,
8 vexatiously, wantonly, or for oppressive reasons.

9 (e) Exclusion from subsequent judicial sales. Any person
10 convicted of a violation of subsection (a) or any similar
11 offense of any state or the United States shall be barred for 5
12 years from the date of conviction from participating as a
13 bidding entity in any judicial sale. No corporation shall be
14 barred from participating in a judicial sale as a result of a
15 conviction under subsection (a) of any employee or agent of
16 such corporation if the employee so convicted is no longer
17 employed by the corporation and: (1) it has been finally
18 adjudicated not guilty or (2) it demonstrates to the circuit
19 court conducting such judicial sale and the court so finds that
20 the commission of the offense was neither authorized,
21 requested, commanded, nor performed by a director, officer or a
22 high managerial agent in behalf of the corporation as provided
23 in paragraph (2) of subsection (a) of Section 5-4 of this Code.

24 (f) Definitions. As used in this Section, unless the
25 context otherwise requires:

26 "Judicial sale" means any sale of real or personal property

1 in accordance with a court order, including, but not limited
2 to, judicial sales conducted pursuant to Section 15-1507 of the
3 Code of Civil Procedure, sales ordered to satisfy judgments
4 under Article XII of the Code of Civil Procedure, and
5 enforcements of delinquent property taxes under Article 21 ~~XXI~~
6 of the Property Tax Code.

7 "Person" means any natural person, or any corporation,
8 partnership, or association of persons.

9 (Source: P.A. 96-408, eff. 8-13-09; revised 10-5-16.)

10 Section 670. The Illinois Controlled Substances Act is
11 amended by changing Section 204 as follows:

12 (720 ILCS 570/204) (from Ch. 56 1/2, par. 1204)

13 Sec. 204. (a) The controlled substances listed in this
14 Section are included in Schedule I.

15 (b) Unless specifically excepted or unless listed in
16 another schedule, any of the following opiates, including their
17 isomers, esters, ethers, salts, and salts of isomers, esters,
18 and ethers, whenever the existence of such isomers, esters,
19 ethers and salts is possible within the specific chemical
20 designation:

21 (1) Acetylmethadol;

22 (1.1) Acetyl-alpha-methylfentanyl

23 (N-[1-(1-methyl-2-phenethyl)-

24 4-piperidinyl]-N-phenylacetamide);

- 1 (2) Allylprodine;
- 2 (3) Alphacetylmethadol, except
- 3 levo-alphacetylmethadol (also known as levo-alpha-
- 4 acetylmethadol, levomethadyl acetate, or LAAM);
- 5 (4) Alphameprodine;
- 6 (5) Alphamethadol;
- 7 (6) Alpha-methylfentanyl
- 8 (N-(1-alpha-methyl-beta-phenyl) ethyl-4-piperidyl)
- 9 propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-
- 10 propanilido) piperidine;
- 11 (6.1) Alpha-methylthiofentanyl
- 12 (N-[1-methyl-2-(2-thienyl)ethyl-
- 13 4-piperidinyl]-N-phenylpropanamide);
- 14 (7) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);
- 15 (7.1) PEPAP
- 16 (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 17 (8) Benzethidine;
- 18 (9) Betacetylmethadol;
- 19 (9.1) Beta-hydroxyfentanyl
- 20 (N-[1-(2-hydroxy-2-phenethyl)-
- 21 4-piperidinyl]-N-phenylpropanamide);
- 22 (10) Betameprodine;
- 23 (11) Betamethadol;
- 24 (12) Betaprodine;
- 25 (13) Clonitazene;
- 26 (14) Dextromoramide;

- 1 (15) Diampromide;
- 2 (16) Diethylthiambutene;
- 3 (17) Difenoquin;
- 4 (18) Dimenoxadol;
- 5 (19) Dimepseptanol;
- 6 (20) Dimethylthiambutene;
- 7 (21) Dioxaphetylbutyrate;
- 8 (22) Dipipanone;
- 9 (23) Ethylmethylthiambutene;
- 10 (24) Etonitazene;
- 11 (25) Etoxadoline;
- 12 (26) Furethidine;
- 13 (27) Hydroxypethidine;
- 14 (28) Ketobemidone;
- 15 (29) Levomoramide;
- 16 (30) Levophenacetylmorphan;
- 17 (31) 3-Methylfentanyl
- 18 (N-[3-methyl-1-(2-phenylethyl)-
- 19 4-piperidyl]-N-phenylpropanamide);
- 20 (31.1) 3-Methylthiofentanyl
- 21 (N-[(3-methyl-1-(2-thienyl)ethyl-
- 22 4-piperidinyl]-N-phenylpropanamide);
- 23 (32) Morpheridine;
- 24 (33) Noracymethadol;
- 25 (34) Norlevorphanol;
- 26 (35) Normethadone;

- 1 (36) Norpipanone;
- 2 (36.1) Para-fluorofentanyl
- 3 (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-
- 4 4-piperidinyl]propanamide);
- 5 (37) Phenadoxone;
- 6 (38) Phenampromide;
- 7 (39) Phenomorphan;
- 8 (40) Phenoperidine;
- 9 (41) Piritramide;
- 10 (42) Proheptazine;
- 11 (43) Properidine;
- 12 (44) Propiram;
- 13 (45) Racemoramide;
- 14 (45.1) Thiofentanyl
- 15 (N-phenyl-N-[1-(2-thienyl)ethyl-
- 16 4-piperidinyl]-propanamide);
- 17 (46) Tilidine;
- 18 (47) Trimeperidine;
- 19 (48) Beta-hydroxy-3-methylfentanyl (other name:
- 20 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-
- 21 N-phenylpropanamide).

22 (c) Unless specifically excepted or unless listed in

23 another schedule, any of the following opium derivatives, its

24 salts, isomers and salts of isomers, whenever the existence of

25 such salts, isomers and salts of isomers is possible within the

26 specific chemical designation:

- 1 (1) Acetorphine;
- 2 (2) Acetyldihydrocodeine;
- 3 (3) Benzylmorphine;
- 4 (4) Codeine methylbromide;
- 5 (5) Codeine-N-Oxide;
- 6 (6) Cyprenorphine;
- 7 (7) Desomorphine;
- 8 (8) Diacetyldihydromorphine (Dihydroheroin);
- 9 (9) Dihydromorphine;
- 10 (10) Drotebanol;
- 11 (11) Etorphine (except hydrochloride salt);
- 12 (12) Heroin;
- 13 (13) Hydromorphinol;
- 14 (14) Methyldesorphine;
- 15 (15) Methyldihydromorphine;
- 16 (16) Morphine methylbromide;
- 17 (17) Morphine methylsulfonate;
- 18 (18) Morphine-N-Oxide;
- 19 (19) Myrophine;
- 20 (20) Nicocodeine;
- 21 (21) Nicomorphine;
- 22 (22) Normorphine;
- 23 (23) Pholcodine;
- 24 (24) Thebacon.

25 (d) Unless specifically excepted or unless listed in
26 another schedule, any material, compound, mixture, or

1 preparation which contains any quantity of the following
2 hallucinogenic substances, or which contains any of its salts,
3 isomers and salts of isomers, whenever the existence of such
4 salts, isomers, and salts of isomers is possible within the
5 specific chemical designation (for the purposes of this
6 paragraph only, the term "isomer" includes the optical,
7 position and geometric isomers):

8 (1) 3,4-methylenedioxyamphetamine

9 (alpha-methyl, 3,4-methylenedioxyphenethylamine,
10 methylenedioxyamphetamine, MDA);

11 (1.1) Alpha-ethyltryptamine

12 (some trade or other names: etryptamine;
13 MONASE; alpha-ethyl-1H-indole-3-ethanamine;
14 3-(2-aminobutyl)indole; a-ET; and AET);

15 (2) 3,4-methylenedioxymethamphetamine (MDMA);

16 (2.1) 3,4-methylenedioxy-N-ethylamphetamine

17 (also known as: N-ethyl-alpha-methyl-
18 3,4(methylenedioxy) Phenethylamine, N-ethyl MDA, MDE,
19 and MDEA);

20 (2.2) N-Benzylpiperazine (BZP);

21 (2.2-1) Trifluoromethylphenylpiperazine (TFMPP);

22 (3) 3-methoxy-4,5-methylenedioxyamphetamine, (MMDA);

23 (4) 3,4,5-trimethoxyamphetamine (TMA);

24 (5) (Blank);

25 (6) Diethyltryptamine (DET);

26 (7) Dimethyltryptamine (DMT);

- 1 (7.1) 5-Methoxy-diallyltryptamine;
- 2 (8) 4-methyl-2,5-dimethoxyamphetamine (DOM, STP);
- 3 (9) Ibogaine (some trade and other names:
- 4 7-ethyl-6,6,beta,7,8,9,10,12,13-octahydro-2-methoxy-
- 5 6,9-methano-5H-pyrindo [1',2':1,2] azepino [5,4-b]
- 6 indole; Tabernanthe iboga);
- 7 (10) Lysergic acid diethylamide;
- 8 (10.1) Salvinorin A;
- 9 (10.5) Salvia divinorum (meaning all parts of the plant
- 10 presently classified botanically as Salvia divinorum,
- 11 whether growing or not, the seeds thereof, any extract from
- 12 any part of that plant, and every compound, manufacture,
- 13 salts, isomers, and salts of isomers whenever the existence
- 14 of such salts, isomers, and salts of isomers is possible
- 15 within the specific chemical designation, derivative,
- 16 mixture, or preparation of that plant, its seeds or
- 17 extracts);
- 18 (11) 3,4,5-trimethoxyphenethylamine (Mescaline);
- 19 (12) Peyote (meaning all parts of the plant presently
- 20 classified botanically as Lophophora williamsii Lemaire,
- 21 whether growing or not, the seeds thereof, any extract from
- 22 any part of that plant, and every compound, manufacture,
- 23 salts, derivative, mixture, or preparation of that plant,
- 24 its seeds or extracts);
- 25 (13) N-ethyl-3-piperidyl benzilate (JB 318);
- 26 (14) N-methyl-3-piperidyl benzilate;

- 1 (14.1) N-hydroxy-3,4-methylenedioxyamphetamine
2 (also known as N-hydroxy-alpha-methyl-
3 3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);
4 (15) Parahexyl; some trade or other names:
5 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-
6 dibenzo (b,d) pyran; Synhexyl;
7 (16) Psilocybin;
8 (17) Psilocyn;
9 (18) Alpha-methyltryptamine (AMT);
10 (19) 2,5-dimethoxyamphetamine
11 (2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);
12 (20) 4-bromo-2,5-dimethoxyamphetamine
13 (4-bromo-2,5-dimethoxy-alpha-methylphenethylamine;
14 4-bromo-2,5-DMA);
15 (20.1) 4-Bromo-2,5 dimethoxyphenethylamine.
16 Some trade or other names: 2-(4-bromo-
17 2,5-dimethoxyphenyl)-1-aminoethane;
18 alpha-desmethyl DOB, 2CB, Nexus;
19 (21) 4-methoxyamphetamine
20 (4-methoxy-alpha-methylphenethylamine;
21 paramethoxyamphetamine; PMA);
22 (22) (Blank);
23 (23) Ethylamine analog of phencyclidine.
24 Some trade or other names:
25 N-ethyl-1-phenylcyclohexylamine,
26 (1-phenylcyclohexyl) ethylamine,

- 1 N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;
- 2 (24) Pyrrolidine analog of phencyclidine. Some trade
- 3 or other names: 1-(1-phenylcyclohexyl) pyrrolidine, PCPy,
- 4 PHP;
- 5 (25) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 6 (26) 2,5-dimethoxy-4-ethylamphetamine
- 7 (another name: DOET);
- 8 (27) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine
- 9 (another name: TCPy);
- 10 (28) (Blank);
- 11 (29) Thiophene analog of phencyclidine (some trade
- 12 or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine;
- 13 2-thienyl analog of phencyclidine; TPCP; TCP);
- 14 (30) Bufotenine (some trade or other names:
- 15 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole;
- 16 3-(2-dimethylaminoethyl)-5-indolol;
- 17 5-hydroxy-N,N-dimethyltryptamine;
- 18 N,N-dimethylserotonin; mappine);
- 19 (31) 1-Pentyl-3-(1-naphthoyl)indole
- 20 Some trade or other names: JWH-018;
- 21 (32) 1-Butyl-3-(1-naphthoyl)indole
- 22 Some trade or other names: JWH-073;
- 23 (33) 1-[(5-fluoropentyl)-1H-indol-3-yl]-
- 24 (2-iodophenyl)methanone
- 25 Some trade or other names: AM-694;
- 26 (34) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-

1 (2-methyloctan-2-yl)phenol

2 Some trade or other names: CP 47,497

3 and its C6, C8 and C9 homologs;

4 (34.5) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-

5 (2-methyloctan-2-yl)phenol), where side chain n=5;

6 and homologues where side chain n=4, 6, or 7; Some

7 trade or other names: CP 47,497;

8 (35) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-

9 (2-methyloctan-2-yl)-6a,7,

10 10,10a-tetrahydrobenzo[c]chromen-1-ol

11 Some trade or other names: HU-210;

12 (35.5) (6aS,10aS)-9-(hydroxymethyl)-6,6-

13 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-

14 tetrahydrobenzo[c]chromen-1-ol, its isomers,

15 salts, and salts of isomers; Some trade or other

16 names: HU-210, Dexanabinol;

17 (36) Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-

18 6,6-dimethyl-3-(2-methyloctan-2-yl)-

19 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol

20 Some trade or other names: HU-211;

21 (37) (2-methyl-1-propyl-1H-indol-

22 3-yl)-1-naphthalenyl-methanone

23 Some trade or other names: JWH-015;

24 (38) 4-methoxynaphthalen-1-yl-

25 (1-pentylindol-3-yl)methanone

26 Some trade or other names: JWH-081;

1 (39) 1-Pentyl-3-(4-methyl-1-naphthoyl)indole

2 Some trade or other names: JWH-122;

3 (40) 2-(2-methylphenyl)-1-(1-pentyl-
4 1H-indol-3-yl)-ethanone

5 Some trade or other names: JWH-251;

6 (41) 1-(2-cyclohexylethyl)-3-
7 (2-methoxyphenylacetyl)indole

8 Some trade or other names: RCS-8, BTW-8 and SR-18;

9 (42) Any compound structurally derived from
10 3-(1-naphthoyl)indole or 1H-indol-3-yl-
11 (1-naphthyl)methane by substitution at the
12 nitrogen atom of the indole ring by alkyl, haloalkyl,
13 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,
14 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl,
15 or 2-(4-morpholinyl)ethyl whether or not further
16 substituted in the indole ring to any extent, whether
17 or not substituted in the naphthyl ring to any extent.
18 Examples of this structural class include, but are
19 not limited to, JWH-018, AM-2201, JWH-175, JWH-184,
20 and JWH-185;

21 (43) Any compound structurally derived from
22 3-(1-naphthoyl)pyrrole by substitution at the nitrogen
23 atom of the pyrrole ring by alkyl, haloalkyl, alkenyl,
24 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl
25 aryl halide, 1-(N-methyl-2-piperidinyl)methyl,
26 or 2-(4-morpholinyl)ethyl, whether or not further

1 substituted in the pyrrole ring to any extent, whether
2 or not substituted in the naphthyl ring to any extent.
3 Examples of this structural class include, but are not
4 limited to, JWH-030, JWH-145, JWH-146, JWH-307, and
5 JWH-368;

6 (44) Any compound structurally derived from
7 1-(1-naphthylmethyl)indene by substitution
8 at the 3-position of the indene ring by alkyl, haloalkyl,
9 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl
10 halide, alkyl aryl halide, 1-(N-methyl-
11 2-piperidinyl)methyl, or 2-(4-
12 morpholinyl)ethyl whether or not further substituted in
13 the indene ring to any extent, whether or not substituted
14 in the naphthyl ring to any extent. Examples of
15 this structural class include, but are not
16 limited to, JWH-176;

17 (45) Any compound structurally derived from
18 3-phenylacetylindole by substitution at the
19 nitrogen atom of the indole ring with alkyl, haloalkyl,
20 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl
21 halide, alkyl aryl halide, 1-(N-methyl-2-
22 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl,
23 whether or not further substituted in the indole ring
24 to any extent, whether or not substituted in the phenyl
25 ring to any extent. Examples of this structural
26 class include, but are not limited to, JWH-167,

1 JWH-250, JWH-251, and RCS-8;

2 (46) Any compound structurally derived from
3 2-(3-hydroxycyclohexyl)phenol by substitution
4 at the 5-position of the phenolic ring by alkyl,
5 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
6 aryl halide, alkyl aryl halide, 1-(N-methyl-2-
7 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl,
8 whether or not substituted in the cyclohexyl ring to any
9 extent. Examples of this structural class
10 include, but are not limited to, CP 47,
11 497 and its C8 homologue (cannabicyclohexanol);

12 (46.1) Benzoylindoles: Any compound
13 containing a 3-(benzoyl) indole structure with
14 substitution at the nitrogen atom of the
15 indole ring by an alkyl, haloalkyl, alkenyl,
16 cycloalkylmethyl, cycloalkylethyl,
17 1-(N-methyl-2-piperidinyl)methyl,
18 or 2-(4-morpholinyl)ethyl group
19 whether or not further substituted
20 in the indole ring to any extent and
21 whether or not substituted in the phenyl ring
22 to any extent. Examples of this structural class
23 include, but are not limited, to, AM-630,
24 AM-2233, AM-694, Pravadoline (WIN 48,098), and RCS-4;

25 (47) 3,4-Methylenedioxymethcathinone
26 Some trade or other names: Methylone;

1 (48) 3,4-Methylenedioxypropylamphetamine

2 Some trade or other names: MDPV;

3 (49) 4-Methylmethcathinone

4 Some trade or other names: Mephedrone;

5 (50) 4-methoxymethcathinone;

6 (51) 4-Fluoromethcathinone;

7 (52) 3-Fluoromethcathinone;

8 (53) 2,5-Dimethoxy-4-(n)-propylthio-
9 phenethylamine;

10 (54) 5-Methoxy-N,N-diisopropyltryptamine;

11 (55) Pentedrone;

12 (56) 4-iodo-2,5-dimethoxy-N-(2-methoxy
13 phenyl)methyl)-benzeneethanamine
14 (trade or other name: 25I-NBOMe);

15 (57) 4-chloro-2,5-dimethoxy-N-(2-methoxyphenyl)
16 methyl)-benzeneethanamine (trade or other name:
17 25C-NBOMe);

18 (58) 4-bromo-2,5-dimethoxy-N-(2-methoxyphenyl)
19 methyl)-benzeneethanamine (trade or other name:
20 25B-NBOMe);

21 (59) 3-cyclopropoylindole with
22 substitution at the nitrogen atom of the
23 indole ring by alkyl, haloalkyl, alkenyl,
24 cycloalkylmethyl, cycloalkylethyl, aryl
25 halide, alkyl aryl halide,
26 1-(N-methyl-2-piperidinyl)methyl, or

1 2-(4-morpholinyl)ethyl, whether or not
2 further substituted on the indole ring
3 to any extent, whether or not substituted
4 on the cyclopropyl ring to any extent:
5 including, but not limited to, XLR11,
6 UR144, FUB-144;

7 (60) 3-adamantoylindole with
8 substitution at the nitrogen atom of the
9 indole ring by alkyl, haloalkyl, alkenyl,
10 cycloalkylmethyl, cycloalkylethyl,
11 aryl halide, alkyl aryl halide,
12 1-(N-methyl-2-piperidinyl)methyl, or
13 2-(4-morpholinyl)ethyl, whether or not
14 further substituted on the indole ring to
15 any extent, whether or not substituted on
16 the adamantyl ring to any extent: including,
17 but not limited to, AB-001;

18 (61) N-(adamantyl)-indole-3-carboxamide
19 with substitution at the nitrogen atom of the
20 indole ring by alkyl, haloalkyl, alkenyl,
21 cycloalkylmethyl, cycloalkylethyl, aryl halide,
22 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl,
23 or 2-(4-morpholinyl)ethyl, whether or not further
24 substituted on the indole ring to any extent, whether
25 or not substituted on the adamantyl ring to any
26 extent: including, but not limited to,

1 APICA/2NE-1, STS-135;

2 (62) N-(adamantyl)-indazole-3-carboxamide
3 with substitution at a nitrogen atom of the indazole
4 ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
5 cycloalkylethyl, aryl halide, alkyl aryl halide,
6 1-(N-methyl-2-piperidinyl)methyl, or
7 2-(4-morpholinyl)ethyl, whether or not further
8 substituted on the indazole ring to any extent,
9 whether or not substituted on the adamantyl
10 ring to any extent: including, but not limited
11 to, AKB48, 5F-AKB48;

12 (63) 1H-indole-3-carboxylic acid 8-quinolinyl
13 ester with substitution at the nitrogen atom of the
14 indole ring by alkyl, haloalkyl, alkenyl,
15 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl
16 aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or
17 2-(4-morpholinyl)ethyl, whether or not further
18 substituted on the indole ring to any extent,
19 whether or not substituted on the quinoline ring
20 to any extent: including, but not limited to, PB22,
21 5F-PB22, FUB-PB-22;

22 (64) 3-(1-naphthoyl)indazole with
23 substitution at the nitrogen atom of the
24 indazole ring by alkyl, haloalkyl,
25 alkenyl, cycloalkylmethyl, cycloalkylethyl,
26 aryl halide, alkyl aryl halide,

1 1-(N-methyl-2-piperidinyl)methyl, or
2 2-(4-morpholinyl)ethyl, whether or not further
3 substituted on the indazole ring to any extent,
4 whether or not substituted on the naphthyl ring
5 to any extent: including, but not limited to,
6 THJ-018, THJ-2201;

7 (65) 2-(1-naphthoyl)benzimidazole with
8 substitution at the nitrogen atom of the benzimidazole
9 ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
10 cycloalkylethyl, aryl halide, alkyl aryl halide,
11 1-(N-methyl-2-piperidinyl)methyl, or
12 2-(4-morpholinyl)ethyl, whether or not further
13 substituted on the benzimidazole ring to any extent,
14 whether or not substituted on the naphthyl ring to
15 any extent: including, but not limited to, FUBIMINA;

16 (66) N-(1-amino-3-methyl-1-oxobutan-2-yl)
17 -1H-indazole-3-carboxamide with substitution on the
18 nitrogen atom of the indazole ring by alkyl,
19 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
20 aryl halide, alkyl aryl halide, 1-(N-methyl-2-
21 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl,
22 whether or not further substituted on the indazole
23 ring to any extent: including, but not limited to,
24 AB-PINACA, AB-FUBINACA, AB-CHMINACA;

25 (67) N-(1-amino-3,3-dimethyl-1-oxobutan-
26 2-yl)-1H-indazole-3-carboxamide with substitution

1 on the nitrogen atom of the indazole ring by alkyl,
2 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
3 aryl halide, alkyl aryl halide, 1-(N-methyl-2-
4 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether
5 or not further substituted on the indazole ring to any
6 extent: including, but not limited to, ADB-PINACA,
7 ADB-FUBINACA;

8 (68) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-
9 1H-indole-3-carboxamide with substitution on the nitrogen
10 atom of the indole ring by alkyl, haloalkyl, alkenyl,
11 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl
12 aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or
13 2-(4-morpholinyl)ethyl, whether or not further
14 substituted on the indole ring to any extent:
15 including, but not limited to, ADBICA, 5F-ADBICA;

16 (69) N-(1-amino-3-methyl-1-oxobutan-2-yl)-
17 1H-indole-3-carboxamide with substitution on the
18 nitrogen atom of the indole ring by alkyl, haloalkyl,
19 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl
20 halide, alkyl aryl halide, 1-(N-methyl-2-
21 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl,
22 whether or not further substituted on the indole
23 ring to any extent: including, but not limited
24 to, ABICA, 5F-ABICA;

25 (70) Methyl 2-(1H-indazole-3-carboxamido)-
26 3-methylbutanoate with substitution on the nitrogen

1 atom of the indazole ring by alkyl, haloalkyl,
2 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl
3 halide, alkyl aryl halide, 1-(N-methyl-2-
4 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl,
5 whether or not further substituted on the indazole
6 ring to any extent: including, but not limited to, AMB,
7 5F-AMB.

8 (e) Unless specifically excepted or unless listed in
9 another schedule, any material, compound, mixture, or
10 preparation which contains any quantity of the following
11 substances having a depressant effect on the central nervous
12 system, including its salts, isomers, and salts of isomers
13 whenever the existence of such salts, isomers, and salts of
14 isomers is possible within the specific chemical designation:

- 15 (1) mecloqualone;
- 16 (2) methaqualone; and
- 17 (3) gamma hydroxybutyric acid.

18 (f) Unless specifically excepted or unless listed in
19 another schedule, any material, compound, mixture, or
20 preparation which contains any quantity of the following
21 substances having a stimulant effect on the central nervous
22 system, including its salts, isomers, and salts of isomers:

- 23 (1) Fenethylline;
- 24 (2) N-ethylamphetamine;
- 25 (3) Aminorex (some other names:

26 2-amino-5-phenyl-2-oxazoline; aminoxaphen;

1 4-5-dihydro-5-phenyl-2-oxazolamine) and its
2 salts, optical isomers, and salts of optical isomers;

3 (4) Methcathinone (some other names:
4 2-methylamino-1-phenylpropan-1-one;
5 Ephedrone; 2-(methylamino)-propiofenone;
6 alpha-(methylamino)propiofenone; N-methylcathinone;
7 methycathinone; Monomethylpropion; UR 1431) and its
8 salts, optical isomers, and salts of optical isomers;

9 (5) Cathinone (some trade or other names:
10 2-aminopropiofenone; alpha-aminopropiofenone;
11 2-amino-1-phenyl-propanone; norephedrone);

12 (6) N,N-dimethylamphetamine (also known as:
13 N,N-alpha-trimethyl-benzeneethanamine;
14 N,N-alpha-trimethylphenethylamine);

15 (7) (+ or -) cis-4-methylaminorex ((+ or -) cis-
16 4,5-dihydro-4-methyl-4-5-phenyl-2-oxazolamine);

17 (8) 3,4-Methylenedioxypropylvalerone (MDPV).

18 (g) Temporary listing of substances subject to emergency
19 scheduling. Any material, compound, mixture, or preparation
20 that contains any quantity of the following substances:

21 (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide
22 (benzylfentanyl), its optical isomers, isomers, salts,
23 and salts of isomers;

24 (2) N-[1(2-thienyl)
25 methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl),
26 its optical isomers, salts, and salts of isomers.

1 (h) Synthetic cathinones. Unless specifically excepted,
2 any chemical compound not including bupropion, structurally
3 derived from 2-aminopropan-1-one by substitution at the
4 1-position with either phenyl, naphthyl, or thiophene ring
5 systems, whether or not the compound is further modified in one
6 or more of the following ways:

7 (1) by substitution in the ring system to
8 any extent with alkyl, alkylendioxy, alkoxy,
9 haloalkyl, hydroxyl, or halide substituents, whether
10 or not further substituted in the ring system
11 by one or more other univalent substituents.
12 Examples of this class include, but are not
13 limited to, 3,4-Methylenedioxycathinone
14 (bk-MDA);

15 (2) by substitution at the 3-position
16 with an acyclic alkyl substituent. Examples of
17 this class include, but are not limited to,
18 2-methylamino-1-phenylbutan-1-one
19 (buphedrone); or

20 (3) by substitution at the 2-amino nitrogen
21 atom with alkyl, dialkyl, benzyl, or methoxybenzyl
22 groups, or by inclusion of the 2-amino nitrogen atom
23 in a cyclic structure. Examples of this class include,
24 but are not limited to, Dimethylcathinone, Ethcathinone,
25 and a-Pyrrolidinopropiophenone (a-PPP).

26 (Source: P.A. 98-987, eff. 1-1-15; 99-371, eff. 1-1-16; revised

1 10-25-16.)

2 Section 675. The Prevention of Tobacco Use by Minors and
3 Sale and Distribution of Tobacco Products Act is amended by
4 changing Sections 1.5 and 2 as follows:

5 (720 ILCS 675/1.5)

6 Sec. 1.5. Distribution of alternative nicotine products to
7 persons under 18 years of age prohibited.

8 (a) For the purposes of this Section, "alternative nicotine
9 product" means a product or device not consisting of or
10 containing tobacco that provides for the ingestion into the
11 body of nicotine, whether by chewing, smoking, absorbing,
12 dissolving, inhaling, snorting, sniffing, or by any other
13 means. "Alternative nicotine product" excludes cigarettes,
14 smokeless tobacco, or other tobacco products as these terms are
15 defined in Section 1 of this Act and any product approved by
16 the United States Food and Drug Administration as a non-tobacco
17 product for sale as a tobacco cessation product, as a tobacco
18 dependence product, or for other medical purposes, and is being
19 marketed and sold solely for that approved purpose.

20 (b) A person, either directly or indirectly by an agent or
21 employee, or by a vending machine owned by the person or
22 located in the person's establishment, may not sell, offer for
23 sale, give, or furnish any alternative nicotine product, or any
24 cartridge or component of an alternative nicotine product, to a

1 person under 18 years of age.

2 (c) Before selling, offering for sale, giving, or
3 furnishing an alternative nicotine product, or any cartridge or
4 component of an alternative nicotine product, to another
5 person, the person selling, offering for sale, giving, or
6 furnishing the alternative nicotine product shall verify that
7 the person is at least 18 years of age by:

8 (1) examining from any person that appears to be under
9 27 years of age a government-issued photographic
10 identification that establishes the person is at least 18
11 years of age or

12 (2) for sales made through ~~though~~ the Internet or other
13 remote sales methods, performing an age verification
14 through an independent, third-party age verification
15 service that compares information available from public
16 records to the personal information entered by the person
17 during the ordering process that establishes the person is
18 18 years of age or older.

19 (d) A person under 18 years of age shall not possess an
20 alternative nicotine product.

21 (Source: P.A. 98-350, eff. 1-1-14; 99-496, eff. 6-1-16; revised
22 10-25-16.)

23 (720 ILCS 675/2) (from Ch. 23, par. 2358)

24 Sec. 2. Penalties.

25 (a) Any person who violates subsection (a) or (a-5) of

1 Section 1 or subsection (b) or (c) of Section 1.5 of this Act
2 is guilty of a petty offense. For the first offense in a
3 24-month period, the person shall be fined \$200 if his or her
4 employer has a training program that facilitates compliance
5 with minimum-age tobacco laws. For the second offense in a
6 24-month period, the person shall be fined \$400 if his or her
7 employer has a training program that facilitates compliance
8 with minimum-age tobacco laws. For the third offense in a
9 24-month period, the person shall be fined \$600 if his or her
10 employer has a training program that facilitates compliance
11 with minimum-age tobacco laws. For the fourth or subsequent
12 offense in a 24-month period, the person shall be fined \$800 if
13 his or her employer has a training program that facilitates
14 compliance with minimum-age tobacco laws. For the purposes of
15 this subsection, the 24-month period shall begin with the
16 person's first violation of the Act. The penalties in this
17 subsection are in addition to any other penalties prescribed
18 under the Cigarette Tax Act and the Tobacco Products Tax Act of
19 1995.

20 (a-5) Any retailer who violates subsection (a) or (a-5) of
21 Section 1 or subsection (b) or (c) of Section 1.5 of this Act
22 is guilty of a petty offense. For the first offense, the
23 retailer shall be fined \$200 if it does not have a training
24 program that facilitates compliance with minimum-age tobacco
25 laws. For the second offense, the retailer shall be fined \$400
26 if it does not have a training program that facilitates

1 compliance with minimum-age tobacco laws. For the third
2 offense, the retailer shall be fined \$600 if it does not have a
3 training program that facilitates compliance with minimum-age
4 tobacco laws. For the fourth or subsequent offense in a
5 24-month period, the retailer shall be fined \$800 if it does
6 not have a training program that facilitates compliance with
7 minimum-age tobacco laws. For the purposes of this subsection,
8 the 24-month period shall begin with the person's first
9 violation of the Act. The penalties in this subsection are in
10 addition to any other penalties prescribed under the Cigarette
11 Tax Act and the Tobacco Products Tax Act of 1995.

12 (a-6) For the purpose of this Act, a training program that
13 facilitates compliance with minimum-age tobacco laws must
14 include at least the following elements: (i) it must explain
15 that only individuals displaying valid identification
16 demonstrating that they are 18 years of age or older shall be
17 eligible to purchase cigarettes or tobacco products and (ii) it
18 must explain where a clerk can check identification for a date
19 of birth. The training may be conducted electronically. Each
20 retailer that has a training program shall require each
21 employee who completes the training program to sign a form
22 attesting that the employee has received and completed tobacco
23 training. The form shall be kept in the employee's file and may
24 be used to provide proof of training.

25 (b) If a minor violates subsection (a-7) of Section 1 or
26 subsection (d) of Section 1.5, he or she is guilty of a petty

1 offense and the court may impose a sentence of 25 hours of
2 community service and a fine of \$50 for a first violation. If a
3 minor violates subsection (a-6) of Section 1, he or she is
4 guilty of a Class A misdemeanor.

5 (c) A second violation by a minor of subsection (a-7) of
6 Section 1 or subsection (d) of Section 1.5 that occurs within
7 12 months after the first violation is punishable by a fine of
8 \$75 and 50 hours of community service.

9 (d) A third or subsequent violation by a minor of
10 subsection (a-7) of Section 1 or subsection (d) of Section 1.5
11 that occurs within 12 months after the first violation is
12 punishable by a \$200 fine and 50 hours of community service.

13 (e) Any second or subsequent violation not within the
14 12-month time period after the first violation is punishable as
15 provided for a first violation.

16 (f) If a minor is convicted of or placed on supervision for
17 a violation of subsection (a-6) or (a-7) of Section 1 or
18 subsection (d) of Section 1.5, the court may, in its
19 discretion, and upon recommendation by the State's Attorney,
20 order that minor and his or her parents or legal guardian to
21 attend a smoker's education or youth diversion program if that
22 program is available in the jurisdiction where the offender
23 resides. Attendance at a smoker's education or youth diversion
24 program shall be time-credited against any community service
25 time imposed for any first violation of subsection (a-7) of
26 Section 1. In addition to any other penalty that the court may

1 impose for a violation of subsection (a-7) of Section 1 or
2 subsection (d) of Section 1.5, the court, upon request by the
3 State's Attorney, may in its discretion require the offender to
4 remit a fee for his or her attendance at a smoker's education
5 or youth diversion program.

6 (g) For purposes of this Section, "smoker's education
7 program" or "youth diversion program" includes, but is not
8 limited to, a seminar designed to educate a person on the
9 physical and psychological effects of smoking tobacco products
10 and alternative nicotine products and the health consequences
11 of smoking tobacco products and alternative nicotine products
12 that can be conducted with a locality's youth diversion
13 program.

14 (h) All moneys collected as fines for violations of
15 subsection (a), (a-5), (a-6), or (a-7) of Section 1 and
16 subsection (b), (c), or (d) of Section 1.5 shall be distributed
17 in the following manner:

18 (1) one-half of each fine shall be distributed to the
19 unit of local government or other entity that successfully
20 prosecuted the offender; and

21 (2) one-half shall be remitted to the State to be used
22 for enforcing this Act.

23 Any violation of subsection (a) or (a-5) of Section 1 or
24 subsection (b) or (c) of Section 1.5 shall be reported to the
25 Department of Revenue within 7 business days.

26 (Source: P.A. 98-350, eff. 1-1-14; 98-1055, eff. 1-1-16;

1 99-192, eff. 1-1-16; 99-496, eff. 6-1-16; revised 9-14-16.)

2 Section 680. The Code of Criminal Procedure of 1963 is
3 amended by changing Sections 115-9.2 and 115-10 as follows:

4 (725 ILCS 5/115-9.2)

5 Sec. 115-9.2. Currency used in undercover investigation.

6 (a) In a prosecution in which United States currency was
7 used by a law enforcement officer or agency or by a person
8 acting under the direction of a law enforcement officer or
9 agency in an undercover investigation of an offense that has
10 imprisonment as an available sentence for a violation of the
11 offense, the court shall receive, as competent evidence, a
12 photograph, photostatic copy, or photocopy of the currency used
13 in the undercover investigation, if ~~the photograph,~~
14 ~~photostatic copy, or photocopy:~~

15 (1) the photograph, photostatic copy, or photocopy
16 will serve the purpose of demonstrating the nature of the
17 currency;

18 (2) the individual serial numbers of the currency are
19 clearly visible or if the amount of currency exceeds \$500
20 the individual serial numbers of a sample of 10% of the
21 currency are clearly visible, and any identification marks
22 placed on the currency by law enforcement as part of the
23 investigation are clearly visible;

24 (3) the photograph, photostatic copy, or photocopy

1 complies with federal law, rule, or regulation
2 requirements on photographs, photostatic copies, or
3 photocopies of United States currency; and

4 (4) the photograph, photostatic copy, or photocopy is
5 otherwise admissible into evidence under all other rules of
6 law governing the admissibility of photographs,
7 photostatic copies, or photocopies into evidence.

8 (b) The fact that it is impractical to introduce into
9 evidence the actual currency for any reason, including its
10 size, weight, or unavailability, need not be established for
11 the court to find a photograph, photostatic copy, or photocopy
12 of that currency to be competent evidence.

13 (c) If a photograph, photostatic copy, or photocopy is
14 found to be competent evidence under this Section, it is
15 admissible into evidence in place of the currency and to the
16 same extent as the currency itself.

17 (Source: P.A. 99-685, eff. 1-1-17; revised 10-27-16.)

18 (725 ILCS 5/115-10) (from Ch. 38, par. 115-10)

19 Sec. 115-10. Certain hearsay exceptions.

20 (a) In a prosecution for a physical or sexual act
21 perpetrated upon or against a child under the age of 13, a
22 person with an intellectual disability, a person with a
23 cognitive impairment, or a person with a developmental
24 disability, including, but not limited~~7~~ to, prosecutions for
25 violations of Sections 11-1.20 through 11-1.60 or 12-13 through

1 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
2 and prosecutions for violations of Sections 10-1 (kidnapping),
3 10-2 (aggravated kidnapping), 10-3 (unlawful restraint),
4 10-3.1 (aggravated unlawful restraint), 10-4 (forcible
5 detention), 10-5 (child abduction), 10-6 (harboring a
6 runaway), 10-7 (aiding or abetting child abduction), 11-9
7 (public indecency), 11-11 (sexual relations within families),
8 11-21 (harmful material), 12-1 (assault), 12-2 (aggravated
9 assault), 12-3 (battery), 12-3.2 (domestic battery), 12-3.3
10 (aggravated domestic battery), 12-3.05 or 12-4 (aggravated
11 battery), 12-4.1 (heinous battery), 12-4.2 (aggravated battery
12 with a firearm), 12-4.3 (aggravated battery of a child), 12-4.7
13 (drug induced infliction of great bodily harm), 12-5 (reckless
14 conduct), 12-6 (intimidation), 12-6.1 or 12-6.5 (compelling
15 organization membership of persons), 12-7.1 (hate crime),
16 12-7.3 (stalking), 12-7.4 (aggravated stalking), 12-10 or
17 12C-35 (tattooing the body of a minor), 12-11 or 19-6 (home
18 invasion), 12-21.5 or 12C-10 (child abandonment), 12-21.6 or
19 12C-5 (endangering the life or health of a child) or 12-32
20 (ritual mutilation) of the Criminal Code of 1961 or the
21 Criminal Code of 2012 or any sex offense as defined in
22 subsection (B) of Section 2 of the Sex Offender Registration
23 Act, the following evidence shall be admitted as an exception
24 to the hearsay rule:

- 25 (1) testimony by the victim of an out of court
26 statement made by the victim that he or she complained of

1 such act to another; and

2 (2) testimony of an out of court statement made by the
3 victim describing any complaint of such act or matter or
4 detail pertaining to any act which is an element of an
5 offense which is the subject of a prosecution for a sexual
6 or physical act against that victim.

7 (b) Such testimony shall only be admitted if:

8 (1) The court finds in a hearing conducted outside the
9 presence of the jury that the time, content, and
10 circumstances of the statement provide sufficient
11 safeguards of reliability; and

12 (2) The child or person with an intellectual
13 disability, a cognitive impairment, or developmental
14 disability either:

15 (A) testifies at the proceeding; or

16 (B) is unavailable as a witness and there is
17 corroborative evidence of the act which is the subject
18 of the statement; and

19 (3) In a case involving an offense perpetrated against
20 a child under the age of 13, the out of court statement was
21 made before the victim attained 13 years of age or within 3
22 months after the commission of the offense, whichever
23 occurs later, but the statement may be admitted regardless
24 of the age of the victim at the time of the proceeding.

25 (c) If a statement is admitted pursuant to this Section,
26 the court shall instruct the jury that it is for the jury to

1 determine the weight and credibility to be given the statement
2 and that, in making the determination, it shall consider the
3 age and maturity of the child, or the intellectual capabilities
4 of the person with an intellectual disability, a cognitive
5 impairment, or developmental disability, the nature of the
6 statement, the circumstances under which the statement was
7 made, and any other relevant factor.

8 (d) The proponent of the statement shall give the adverse
9 party reasonable notice of his intention to offer the statement
10 and the particulars of the statement.

11 (e) Statements described in paragraphs (1) and (2) of
12 subsection (a) shall not be excluded on the basis that they
13 were obtained as a result of interviews conducted pursuant to a
14 protocol adopted by a Child Advocacy Advisory Board as set
15 forth in subsections (c), (d), and (e) of Section 3 of the
16 Children's Advocacy Center Act or that an interviewer or
17 witness to the interview was or is an employee, agent, or
18 investigator of a State's Attorney's office.

19 (f) For the purposes of this Section:

20 "Person with a cognitive impairment" means a person with a
21 significant impairment of cognition or memory that represents a
22 marked deterioration from a previous level of function.
23 Cognitive impairment includes, but is not limited to, dementia,
24 amnesia, delirium, or a traumatic brain injury.

25 "Person with a developmental disability" means a person
26 with a disability that is attributable to (1) an intellectual

1 disability, cerebral palsy, epilepsy, or autism, or (2) any
2 other condition that results in an impairment similar to that
3 caused by an intellectual disability and requires services
4 similar to those required by a person with an intellectual
5 disability.

6 "Person with an intellectual disability" means a person
7 with significantly subaverage general intellectual functioning
8 which exists concurrently with an impairment in adaptive
9 behavior.

10 (Source: P.A. 99-143, eff. 7-27-15; 99-752, eff. 1-1-17;
11 revised 10-27-16.)

12 Section 685. The Sexual Assault Incident Procedure Act is
13 amended by changing Sections 15 and 20 as follows:

14 (725 ILCS 203/15)

15 Sec. 15. Sexual assault incident policies.

16 (a) On or before January 1, 2018, every law enforcement
17 agency shall develop, adopt, and implement written policies
18 regarding procedures for incidents of sexual assault or sexual
19 abuse consistent with the guidelines developed under
20 subsection (b) of this Section. In developing these policies,
21 each law enforcement agency is encouraged to consult with other
22 law enforcement agencies, sexual assault advocates, and sexual
23 assault nurse examiners with expertise in recognizing and
24 handling sexual assault and sexual abuse incidents. These

1 policies must include mandatory sexual assault and sexual abuse
2 response training as required in Section 10.21 ~~10.19~~ of the
3 Illinois Police Training Act and Sections 2605-53 and 2605-98
4 of the Department of State Police Law of the Civil
5 Administrative Code of Illinois.

6 (b) On or before July 1, 2017, the Office of the Attorney
7 General, in consultation with the Illinois Law Enforcement
8 Training Standards Board and the Department of State Police,
9 shall develop and make available to each law enforcement
10 agency, comprehensive guidelines for creation of a law
11 enforcement agency policy on evidence-based, trauma-informed,
12 victim-centered sexual assault and sexual abuse response and
13 investigation.

14 These guidelines shall include, but not be limited to the
15 following:

- 16 (1) dispatcher or call taker response;
- 17 (2) responding officer duties;
- 18 (3) duties of officers investigating sexual assaults
19 and sexual abuse;
- 20 (4) supervisor duties;
- 21 (5) report writing;
- 22 (6) reporting methods;
- 23 (7) victim interviews;
- 24 (8) evidence collection;
- 25 (9) sexual assault medical forensic examinations;
- 26 (10) suspect interviews;

- 1 (11) suspect forensic exams;
- 2 (12) witness interviews;
- 3 (13) sexual assault response and resource teams, if
- 4 applicable;
- 5 (14) working with victim advocates;
- 6 (15) working with prosecutors;
- 7 (16) victims' rights;
- 8 (17) victim notification; and
- 9 (18) consideration for specific populations or
- 10 communities.

11 (Source: P.A. 99-801, eff. 1-1-17; revised 10-21-16.)

12 (725 ILCS 203/20)

13 Sec. 20. Reports by law enforcement officers.

14 (a) A law enforcement officer shall complete a written

15 police report upon receiving the following, regardless of where

16 the incident occurred:

17 (1) an allegation by a person that the person has been

18 sexually assaulted or sexually abused regardless of

19 jurisdiction;

20 (2) information from hospital or medical personnel

21 provided under Section 3.2 of the Criminal Identification

22 Act; or

23 (3) information from a witness who personally observed

24 what appeared to be a sexual assault or sexual abuse or

25 attempted sexual assault or sexual abuse.

1 (b) The written report shall include the following, if
2 known:

3 (1) the victim's name or other identifier;

4 (2) the victim's contact information;

5 (3) time, date, and location of offense;

6 (4) information provided by the victim;

7 (5) the suspect's description and name, if known;

8 (6) names of persons with information relevant to the
9 time before, during, or after the sexual assault or sexual
10 abuse, and their contact information;

11 (7) names of medical professionals who provided a
12 medical forensic examination of the victim and any
13 information they provided about the sexual assault or
14 sexual abuse;

15 (8) whether an Illinois State Police Sexual Assault
16 Evidence Collection Kit was completed, the name and contact
17 information for the hospital, and whether the victim
18 consented to testing of the Evidence Collection Kit by law
19 enforcement;

20 (9) whether a urine or blood sample was collected and
21 whether the victim consented to testing of a toxicology
22 screen by law enforcement;

23 (10) information the victim related to medical
24 professionals during a medical forensic examination which
25 the victim consented to disclosure to law enforcement; and

26 (11) other relevant information.

1 (c) If the sexual assault or sexual abuse occurred in
2 another jurisdiction, the law enforcement officer taking the
3 report must submit the report to the law enforcement agency
4 having jurisdiction in person or via fax or email within 24
5 hours of receiving information about the sexual assault or
6 sexual abuse.

7 (d) Within 24 hours of receiving a report from a law
8 enforcement agency in another jurisdiction in accordance with
9 subsection (c), the law enforcement agency having jurisdiction
10 shall submit a written confirmation to the law enforcement
11 agency that wrote the report. The written confirmation shall
12 contain the name and identifier of the person and confirming
13 receipt of the report and a name and contact phone number that
14 will be given to the victim. The written confirmation shall be
15 delivered in person or via fax or email.

16 (e) No law enforcement officer shall require a victim of
17 sexual assault or sexual abuse to submit to an interview.

18 (f) No law enforcement agency may refuse to complete a
19 written report as required by this Section on any ground.

20 (g) All law enforcement agencies shall ensure that all
21 officers responding to or investigating a complaint of sexual
22 assault or sexual abuse have successfully completed training
23 under Section 10.21 ~~10.19~~ of the Illinois Police Training Act
24 and Section 2605-98 of the Department of State Police Law of
25 the Civil Administrative Code of Illinois.

26 (Source: P.A. 99-801, eff. 1-1-17; revised 10-21-16.)

1 Section 690. The Unified Code of Corrections is amended by
2 changing Sections 3-3-7, 5-6-3.1, 5-8-1.2, 5-8-8, 5-8A-3,
3 5-8A-5, and 5-8A-7 as follows:

4 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

5 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
6 Release.

7 (a) The conditions of parole or mandatory supervised
8 release shall be such as the Prisoner Review Board deems
9 necessary to assist the subject in leading a law-abiding life.
10 The conditions of every parole and mandatory supervised release
11 are that the subject:

12 (1) not violate any criminal statute of any
13 jurisdiction during the parole or release term;

14 (2) refrain from possessing a firearm or other
15 dangerous weapon;

16 (3) report to an agent of the Department of
17 Corrections;

18 (4) permit the agent to visit him or her at his or her
19 home, employment, or elsewhere to the extent necessary for
20 the agent to discharge his or her duties;

21 (5) attend or reside in a facility established for the
22 instruction or residence of persons on parole or mandatory
23 supervised release;

24 (6) secure permission before visiting or writing a

1 committed person in an Illinois Department of Corrections
2 facility;

3 (7) report all arrests to an agent of the Department of
4 Corrections as soon as permitted by the arresting authority
5 but in no event later than 24 hours after release from
6 custody and immediately report service or notification of
7 an order of protection, a civil no contact order, or a
8 stalking no contact order to an agent of the Department of
9 Corrections;

10 (7.5) if convicted of a sex offense as defined in the
11 Sex Offender Management Board Act, the individual shall
12 undergo and successfully complete sex offender treatment
13 conducted in conformance with the standards developed by
14 the Sex Offender Management Board Act by a treatment
15 provider approved by the Board;

16 (7.6) if convicted of a sex offense as defined in the
17 Sex Offender Management Board Act, refrain from residing at
18 the same address or in the same condominium unit or
19 apartment unit or in the same condominium complex or
20 apartment complex with another person he or she knows or
21 reasonably should know is a convicted sex offender or has
22 been placed on supervision for a sex offense; the
23 provisions of this paragraph do not apply to a person
24 convicted of a sex offense who is placed in a Department of
25 Corrections licensed transitional housing facility for sex
26 offenders, or is in any facility operated or licensed by

1 the Department of Children and Family Services or by the
2 Department of Human Services, or is in any licensed medical
3 facility;

4 (7.7) if convicted for an offense that would qualify
5 the accused as a sexual predator under the Sex Offender
6 Registration Act on or after January 1, 2007 (the effective
7 date of Public Act 94-988), wear an approved electronic
8 monitoring device as defined in Section 5-8A-2 for the
9 duration of the person's parole, mandatory supervised
10 release term, or extended mandatory supervised release
11 term and if convicted for an offense of criminal sexual
12 assault, aggravated criminal sexual assault, predatory
13 criminal sexual assault of a child, criminal sexual abuse,
14 aggravated criminal sexual abuse, or ritualized abuse of a
15 child committed on or after August 11, 2009 (the effective
16 date of Public Act 96-236) when the victim was under 18
17 years of age at the time of the commission of the offense
18 and the defendant used force or the threat of force in the
19 commission of the offense wear an approved electronic
20 monitoring device as defined in Section 5-8A-2 that has
21 Global Positioning System (GPS) capability for the
22 duration of the person's parole, mandatory supervised
23 release term, or extended mandatory supervised release
24 term;

25 (7.8) if convicted for an offense committed on or after
26 June 1, 2008 (the effective date of Public Act 95-464) that

1 would qualify the accused as a child sex offender as
2 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
3 1961 or the Criminal Code of 2012, refrain from
4 communicating with or contacting, by means of the Internet,
5 a person who is not related to the accused and whom the
6 accused reasonably believes to be under 18 years of age;
7 for purposes of this paragraph (7.8), "Internet" has the
8 meaning ascribed to it in Section 16-0.1 of the Criminal
9 Code of 2012; and a person is not related to the accused if
10 the person is not: (i) the spouse, brother, or sister of
11 the accused; (ii) a descendant of the accused; (iii) a
12 first or second cousin of the accused; or (iv) a step-child
13 or adopted child of the accused;

14 (7.9) if convicted under Section 11-6, 11-20.1,
15 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or
16 the Criminal Code of 2012, consent to search of computers,
17 PDAs, cellular phones, and other devices under his or her
18 control that are capable of accessing the Internet or
19 storing electronic files, in order to confirm Internet
20 protocol addresses reported in accordance with the Sex
21 Offender Registration Act and compliance with conditions
22 in this Act;

23 (7.10) if convicted for an offense that would qualify
24 the accused as a sex offender or sexual predator under the
25 Sex Offender Registration Act on or after June 1, 2008 (the
26 effective date of Public Act 95-640), not possess

1 prescription drugs for erectile dysfunction;

2 (7.11) if convicted for an offense under Section 11-6,
3 11-9.1, 11-14.4 that involves soliciting for a juvenile
4 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
5 of the Criminal Code of 1961 or the Criminal Code of 2012,
6 or any attempt to commit any of these offenses, committed
7 on or after June 1, 2009 (the effective date of Public Act
8 95-983):

9 (i) not access or use a computer or any other
10 device with Internet capability without the prior
11 written approval of the Department;

12 (ii) submit to periodic unannounced examinations
13 of the offender's computer or any other device with
14 Internet capability by the offender's supervising
15 agent, a law enforcement officer, or assigned computer
16 or information technology specialist, including the
17 retrieval and copying of all data from the computer or
18 device and any internal or external peripherals and
19 removal of such information, equipment, or device to
20 conduct a more thorough inspection;

21 (iii) submit to the installation on the offender's
22 computer or device with Internet capability, at the
23 offender's expense, of one or more hardware or software
24 systems to monitor the Internet use; and

25 (iv) submit to any other appropriate restrictions
26 concerning the offender's use of or access to a

1 computer or any other device with Internet capability
2 imposed by the Board, the Department or the offender's
3 supervising agent;

4 (7.12) if convicted of a sex offense as defined in the
5 Sex Offender Registration Act committed on or after January
6 1, 2010 (the effective date of Public Act 96-262), refrain
7 from accessing or using a social networking website as
8 defined in Section 17-0.5 of the Criminal Code of 2012;

9 (7.13) if convicted of a sex offense as defined in
10 Section 2 of the Sex Offender Registration Act committed on
11 or after January 1, 2010 (the effective date of Public Act
12 96-362) that requires the person to register as a sex
13 offender under that Act, may not knowingly use any computer
14 scrub software on any computer that the sex offender uses;

15 (8) obtain permission of an agent of the Department of
16 Corrections before leaving the State of Illinois;

17 (9) obtain permission of an agent of the Department of
18 Corrections before changing his or her residence or
19 employment;

20 (10) consent to a search of his or her person,
21 property, or residence under his or her control;

22 (11) refrain from the use or possession of narcotics or
23 other controlled substances in any form, or both, or any
24 paraphernalia related to those substances and submit to a
25 urinalysis test as instructed by a parole agent of the
26 Department of Corrections;

1 (12) not frequent places where controlled substances
2 are illegally sold, used, distributed, or administered;

3 (13) not knowingly associate with other persons on
4 parole or mandatory supervised release without prior
5 written permission of his or her parole agent, except when
6 the association involves activities related to community
7 programs, worship services, volunteering, and engaging
8 families, and not associate with persons who are members of
9 an organized gang as that term is defined in the Illinois
10 Streetgang Terrorism Omnibus Prevention Act;

11 (14) provide true and accurate information, as it
12 relates to his or her adjustment in the community while on
13 parole or mandatory supervised release or to his or her
14 conduct while incarcerated, in response to inquiries by his
15 or her parole agent or of the Department of Corrections;

16 (15) follow any specific instructions provided by the
17 parole agent that are consistent with furthering
18 conditions set and approved by the Prisoner Review Board or
19 by law, exclusive of placement on electronic detention, to
20 achieve the goals and objectives of his or her parole or
21 mandatory supervised release or to protect the public.
22 These instructions by the parole agent may be modified at
23 any time, as the agent deems appropriate;

24 (16) if convicted of a sex offense as defined in
25 subsection (a-5) of Section 3-1-2 of this Code, unless the
26 offender is a parent or guardian of the person under 18

1 years of age present in the home and no non-familial minors
2 are present, not participate in a holiday event involving
3 children under 18 years of age, such as distributing candy
4 or other items to children on Halloween, wearing a Santa
5 Claus costume on or preceding Christmas, being employed as
6 a department store Santa Claus, or wearing an Easter Bunny
7 costume on or preceding Easter;

8 (17) if convicted of a violation of an order of
9 protection under Section 12-3.4 or Section 12-30 of the
10 Criminal Code of 1961 or the Criminal Code of 2012, be
11 placed under electronic surveillance as provided in
12 Section 5-8A-7 of this Code;

13 (18) comply with the terms and conditions of an order
14 of protection issued pursuant to the Illinois Domestic
15 Violence Act of 1986; an order of protection issued by the
16 court of another state, tribe, or United States territory;
17 a no contact order issued pursuant to the Civil No Contact
18 Order Act; or a no contact order issued pursuant to the
19 Stalking No Contact Order Act; and

20 (19) if convicted of a violation of the Methamphetamine
21 Control and Community Protection Act, the Methamphetamine
22 Precursor Control Act, or a methamphetamine related
23 offense, be:

24 (A) prohibited from purchasing, possessing, or
25 having under his or her control any product containing
26 pseudoephedrine unless prescribed by a physician; and

1 (B) prohibited from purchasing, possessing, or
2 having under his or her control any product containing
3 ammonium nitrate.

4 (b) The Board may in addition to other conditions require
5 that the subject:

6 (1) work or pursue a course of study or vocational
7 training;

8 (2) undergo medical or psychiatric treatment, or
9 treatment for drug addiction or alcoholism;

10 (3) attend or reside in a facility established for the
11 instruction or residence of persons on probation or parole;

12 (4) support his or her dependents;

13 (5) (blank);

14 (6) (blank);

15 (7) (blank);

16 (7.5) if convicted for an offense committed on or after
17 the effective date of this amendatory Act of the 95th
18 General Assembly that would qualify the accused as a child
19 sex offender as defined in Section 11-9.3 or 11-9.4 of the
20 Criminal Code of 1961 or the Criminal Code of 2012, refrain
21 from communicating with or contacting, by means of the
22 Internet, a person who is related to the accused and whom
23 the accused reasonably believes to be under 18 years of
24 age; for purposes of this paragraph (7.5), "Internet" has
25 the meaning ascribed to it in Section 16-0.1 of the
26 Criminal Code of 2012; and a person is related to the

1 accused if the person is: (i) the spouse, brother, or
2 sister of the accused; (ii) a descendant of the accused;
3 (iii) a first or second cousin of the accused; or (iv) a
4 step-child or adopted child of the accused;

5 (7.6) if convicted for an offense committed on or after
6 June 1, 2009 (the effective date of Public Act 95-983) that
7 would qualify as a sex offense as defined in the Sex
8 Offender Registration Act:

9 (i) not access or use a computer or any other
10 device with Internet capability without the prior
11 written approval of the Department;

12 (ii) submit to periodic unannounced examinations
13 of the offender's computer or any other device with
14 Internet capability by the offender's supervising
15 agent, a law enforcement officer, or assigned computer
16 or information technology specialist, including the
17 retrieval and copying of all data from the computer or
18 device and any internal or external peripherals and
19 removal of such information, equipment, or device to
20 conduct a more thorough inspection;

21 (iii) submit to the installation on the offender's
22 computer or device with Internet capability, at the
23 offender's expense, of one or more hardware or software
24 systems to monitor the Internet use; and

25 (iv) submit to any other appropriate restrictions
26 concerning the offender's use of or access to a

1 computer or any other device with Internet capability
2 imposed by the Board, the Department or the offender's
3 supervising agent; and

4 (8) in addition, if a minor:

5 (i) reside with his or her parents or in a foster
6 home;

7 (ii) attend school;

8 (iii) attend a non-residential program for youth;

9 or

10 (iv) contribute to his or her own support at home
11 or in a foster home.

12 (b-1) In addition to the conditions set forth in
13 subsections (a) and (b), persons required to register as sex
14 offenders pursuant to the Sex Offender Registration Act, upon
15 release from the custody of the Illinois Department of
16 Corrections, may be required by the Board to comply with the
17 following specific conditions of release:

18 (1) reside only at a Department approved location;

19 (2) comply with all requirements of the Sex Offender
20 Registration Act;

21 (3) notify third parties of the risks that may be
22 occasioned by his or her criminal record;

23 (4) obtain the approval of an agent of the Department
24 of Corrections prior to accepting employment or pursuing a
25 course of study or vocational training and notify the
26 Department prior to any change in employment, study, or

1 training;

2 (5) not be employed or participate in any volunteer
3 activity that involves contact with children, except under
4 circumstances approved in advance and in writing by an
5 agent of the Department of Corrections;

6 (6) be electronically monitored for a minimum of 12
7 months from the date of release as determined by the Board;

8 (7) refrain from entering into a designated geographic
9 area except upon terms approved in advance by an agent of
10 the Department of Corrections. The terms may include
11 consideration of the purpose of the entry, the time of day,
12 and others accompanying the person;

13 (8) refrain from having any contact, including written
14 or oral communications, directly or indirectly, personally
15 or by telephone, letter, or through a third party with
16 certain specified persons including, but not limited to,
17 the victim or the victim's family without the prior written
18 approval of an agent of the Department of Corrections;

19 (9) refrain from all contact, directly or indirectly,
20 personally, by telephone, letter, or through a third party,
21 with minor children without prior identification and
22 approval of an agent of the Department of Corrections;

23 (10) neither possess or have under his or her control
24 any material that is sexually oriented, sexually
25 stimulating, or that shows male or female sex organs or any
26 pictures depicting children under 18 years of age nude or

1 any written or audio material describing sexual
2 intercourse or that depicts or alludes to sexual activity,
3 including but not limited to visual, auditory, telephonic,
4 or electronic media, or any matter obtained through access
5 to any computer or material linked to computer access use;

6 (11) not patronize any business providing sexually
7 stimulating or sexually oriented entertainment nor utilize
8 "900" or adult telephone numbers;

9 (12) not reside near, visit, or be in or about parks,
10 schools, day care centers, swimming pools, beaches,
11 theaters, or any other places where minor children
12 congregate without advance approval of an agent of the
13 Department of Corrections and immediately report any
14 incidental contact with minor children to the Department;

15 (13) not possess or have under his or her control
16 certain specified items of contraband related to the
17 incidence of sexually offending as determined by an agent
18 of the Department of Corrections;

19 (14) may be required to provide a written daily log of
20 activities if directed by an agent of the Department of
21 Corrections;

22 (15) comply with all other special conditions that the
23 Department may impose that restrict the person from
24 high-risk situations and limit access to potential
25 victims;

26 (16) take an annual polygraph exam;

1 (17) maintain a log of his or her travel; or

2 (18) obtain prior approval of his or her parole officer
3 before driving alone in a motor vehicle.

4 (c) The conditions under which the parole or mandatory
5 supervised release is to be served shall be communicated to the
6 person in writing prior to his or her release, and he or she
7 shall sign the same before release. A signed copy of these
8 conditions, including a copy of an order of protection where
9 one had been issued by the criminal court, shall be retained by
10 the person and another copy forwarded to the officer in charge
11 of his or her supervision.

12 (d) After a hearing under Section 3-3-9, the Prisoner
13 Review Board may modify or enlarge the conditions of parole or
14 mandatory supervised release.

15 (e) The Department shall inform all offenders committed to
16 the Department of the optional services available to them upon
17 release and shall assist inmates in availing themselves of such
18 optional services upon their release on a voluntary basis.

19 (f) (Blank).

20 (Source: P.A. 98-558, eff. 1-1-14; 99-628, eff. 1-1-17; 99-698,
21 eff. 7-29-16; revised 9-1-16.)

22 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

23 Sec. 5-6-3.1. Incidents and conditions of supervision.

24 (a) When a defendant is placed on supervision, the court
25 shall enter an order for supervision specifying the period of

1 such supervision, and shall defer further proceedings in the
2 case until the conclusion of the period.

3 (b) The period of supervision shall be reasonable under all
4 of the circumstances of the case, but may not be longer than 2
5 years, unless the defendant has failed to pay the assessment
6 required by Section 10.3 of the Cannabis Control Act, Section
7 411.2 of the Illinois Controlled Substances Act, or Section 80
8 of the Methamphetamine Control and Community Protection Act, in
9 which case the court may extend supervision beyond 2 years.
10 Additionally, the court shall order the defendant to perform no
11 less than 30 hours of community service and not more than 120
12 hours of community service, if community service is available
13 in the jurisdiction and is funded and approved by the county
14 board where the offense was committed, when the offense (1) was
15 related to or in furtherance of the criminal activities of an
16 organized gang or was motivated by the defendant's membership
17 in or allegiance to an organized gang; or (2) is a violation of
18 any Section of Article 24 of the Criminal Code of 1961 or the
19 Criminal Code of 2012 where a disposition of supervision is not
20 prohibited by Section 5-6-1 of this Code. The community service
21 shall include, but not be limited to, the cleanup and repair of
22 any damage caused by violation of Section 21-1.3 of the
23 Criminal Code of 1961 or the Criminal Code of 2012 and similar
24 damages to property located within the municipality or county
25 in which the violation occurred. Where possible and reasonable,
26 the community service should be performed in the offender's

1 neighborhood.

2 For the purposes of this Section, "organized gang" has the
3 meaning ascribed to it in Section 10 of the Illinois Streetgang
4 Terrorism Omnibus Prevention Act.

5 (c) The court may in addition to other reasonable
6 conditions relating to the nature of the offense or the
7 rehabilitation of the defendant as determined for each
8 defendant in the proper discretion of the court require that
9 the person:

10 (1) make a report to and appear in person before or
11 participate with the court or such courts, person, or
12 social service agency as directed by the court in the order
13 of supervision;

14 (2) pay a fine and costs;

15 (3) work or pursue a course of study or vocational
16 training;

17 (4) undergo medical, psychological or psychiatric
18 treatment; or treatment for drug addiction or alcoholism;

19 (5) attend or reside in a facility established for the
20 instruction or residence of defendants on probation;

21 (6) support his dependents;

22 (7) refrain from possessing a firearm or other
23 dangerous weapon;

24 (8) and in addition, if a minor:

25 (i) reside with his parents or in a foster home;

26 (ii) attend school;

1 (iii) attend a non-residential program for youth;

2 (iv) contribute to his own support at home or in a
3 foster home; or

4 (v) with the consent of the superintendent of the
5 facility, attend an educational program at a facility
6 other than the school in which the offense was
7 committed if he or she is placed on supervision for a
8 crime of violence as defined in Section 2 of the Crime
9 Victims Compensation Act committed in a school, on the
10 real property comprising a school, or within 1,000 feet
11 of the real property comprising a school;

12 (9) make restitution or reparation in an amount not to
13 exceed actual loss or damage to property and pecuniary loss
14 or make restitution under Section 5-5-6 to a domestic
15 violence shelter. The court shall determine the amount and
16 conditions of payment;

17 (10) perform some reasonable public or community
18 service;

19 (11) comply with the terms and conditions of an order
20 of protection issued by the court pursuant to the Illinois
21 Domestic Violence Act of 1986 or an order of protection
22 issued by the court of another state, tribe, or United
23 States territory. If the court has ordered the defendant to
24 make a report and appear in person under paragraph (1) of
25 this subsection, a copy of the order of protection shall be
26 transmitted to the person or agency so designated by the

1 court;

2 (12) reimburse any "local anti-crime program" as
3 defined in Section 7 of the Anti-Crime Advisory Council Act
4 for any reasonable expenses incurred by the program on the
5 offender's case, not to exceed the maximum amount of the
6 fine authorized for the offense for which the defendant was
7 sentenced;

8 (13) contribute a reasonable sum of money, not to
9 exceed the maximum amount of the fine authorized for the
10 offense for which the defendant was sentenced, (i) to a
11 "local anti-crime program", as defined in Section 7 of the
12 Anti-Crime Advisory Council Act, or (ii) for offenses under
13 the jurisdiction of the Department of Natural Resources, to
14 the fund established by the Department of Natural Resources
15 for the purchase of evidence for investigation purposes and
16 to conduct investigations as outlined in Section 805-105 of
17 the Department of Natural Resources (Conservation) Law;

18 (14) refrain from entering into a designated
19 geographic area except upon such terms as the court finds
20 appropriate. Such terms may include consideration of the
21 purpose of the entry, the time of day, other persons
22 accompanying the defendant, and advance approval by a
23 probation officer;

24 (15) refrain from having any contact, directly or
25 indirectly, with certain specified persons or particular
26 types of person, including but not limited to members of

1 street gangs and drug users or dealers;

2 (16) refrain from having in his or her body the
3 presence of any illicit drug prohibited by the Cannabis
4 Control Act, the Illinois Controlled Substances Act, or the
5 Methamphetamine Control and Community Protection Act,
6 unless prescribed by a physician, and submit samples of his
7 or her blood or urine or both for tests to determine the
8 presence of any illicit drug;

9 (17) refrain from operating any motor vehicle not
10 equipped with an ignition interlock device as defined in
11 Section 1-129.1 of the Illinois Vehicle Code; under this
12 condition the court may allow a defendant who is not
13 self-employed to operate a vehicle owned by the defendant's
14 employer that is not equipped with an ignition interlock
15 device in the course and scope of the defendant's
16 employment; and

17 (18) if placed on supervision for a sex offense as
18 defined in subsection (a-5) of Section 3-1-2 of this Code,
19 unless the offender is a parent or guardian of the person
20 under 18 years of age present in the home and no
21 non-familial minors are present, not participate in a
22 holiday event involving children under 18 years of age,
23 such as distributing candy or other items to children on
24 Halloween, wearing a Santa Claus costume on or preceding
25 Christmas, being employed as a department store Santa
26 Claus, or wearing an Easter Bunny costume on or preceding

1 Easter.

2 (c-5) If payment of restitution as ordered has not been
3 made, the victim shall file a petition notifying the sentencing
4 court, any other person to whom restitution is owed, and the
5 State's Attorney of the status of the ordered restitution
6 payments unpaid at least 90 days before the supervision
7 expiration date. If payment as ordered has not been made, the
8 court shall hold a review hearing prior to the expiration date,
9 unless the hearing is voluntarily waived by the defendant with
10 the knowledge that waiver may result in an extension of the
11 supervision period or in a revocation of supervision. If the
12 court does not extend supervision, it shall issue a judgment
13 for the unpaid restitution and direct the clerk of the circuit
14 court to file and enter the judgment in the judgment and lien
15 docket, without fee, unless it finds that the victim has
16 recovered a judgment against the defendant for the amount
17 covered by the restitution order. If the court issues a
18 judgment for the unpaid restitution, the court shall send to
19 the defendant at his or her last known address written
20 notification that a civil judgment has been issued for the
21 unpaid restitution.

22 (d) The court shall defer entering any judgment on the
23 charges until the conclusion of the supervision.

24 (e) At the conclusion of the period of supervision, if the
25 court determines that the defendant has successfully complied
26 with all of the conditions of supervision, the court shall

1 discharge the defendant and enter a judgment dismissing the
2 charges.

3 (f) Discharge and dismissal upon a successful conclusion of
4 a disposition of supervision shall be deemed without
5 adjudication of guilt and shall not be termed a conviction for
6 purposes of disqualification or disabilities imposed by law
7 upon conviction of a crime. Two years after the discharge and
8 dismissal under this Section, unless the disposition of
9 supervision was for a violation of Sections 3-707, 3-708,
10 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
11 similar provision of a local ordinance, or for a violation of
12 Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961
13 or the Criminal Code of 2012, in which case it shall be 5 years
14 after discharge and dismissal, a person may have his record of
15 arrest sealed or expunged as may be provided by law. However,
16 any defendant placed on supervision before January 1, 1980, may
17 move for sealing or expungement of his arrest record, as
18 provided by law, at any time after discharge and dismissal
19 under this Section. A person placed on supervision for a sexual
20 offense committed against a minor as defined in clause
21 (a) (1) (L) of Section 5.2 of the Criminal Identification Act or
22 for a violation of Section 11-501 of the Illinois Vehicle Code
23 or a similar provision of a local ordinance shall not have his
24 or her record of arrest sealed or expunged.

25 (g) A defendant placed on supervision and who during the
26 period of supervision undergoes mandatory drug or alcohol

1 testing, or both, or is assigned to be placed on an approved
2 electronic monitoring device, shall be ordered to pay the costs
3 incidental to such mandatory drug or alcohol testing, or both,
4 and costs incidental to such approved electronic monitoring in
5 accordance with the defendant's ability to pay those costs. The
6 county board with the concurrence of the Chief Judge of the
7 judicial circuit in which the county is located shall establish
8 reasonable fees for the cost of maintenance, testing, and
9 incidental expenses related to the mandatory drug or alcohol
10 testing, or both, and all costs incidental to approved
11 electronic monitoring, of all defendants placed on
12 supervision. The concurrence of the Chief Judge shall be in the
13 form of an administrative order. The fees shall be collected by
14 the clerk of the circuit court, except as provided in an
15 administrative order of the Chief Judge of the circuit court.
16 The clerk of the circuit court shall pay all moneys collected
17 from these fees to the county treasurer who shall use the
18 moneys collected to defray the costs of drug testing, alcohol
19 testing, and electronic monitoring. The county treasurer shall
20 deposit the fees collected in the county working cash fund
21 under Section 6-27001 or Section 6-29002 of the Counties Code,
22 as the case may be.

23 The Chief Judge of the circuit court of the county may by
24 administrative order establish a program for electronic
25 monitoring of offenders, in which a vendor supplies and
26 monitors the operation of the electronic monitoring device, and

1 collects the fees on behalf of the county. The program shall
2 include provisions for indigent offenders and the collection of
3 unpaid fees. The program shall not unduly burden the offender
4 and shall be subject to review by the Chief Judge.

5 The Chief Judge of the circuit court may suspend any
6 additional charges or fees for late payment, interest, or
7 damage to any device.

8 (h) A disposition of supervision is a final order for the
9 purposes of appeal.

10 (i) The court shall impose upon a defendant placed on
11 supervision after January 1, 1992 or to community service under
12 the supervision of a probation or court services department
13 after January 1, 2004, as a condition of supervision or
14 supervised community service, a fee of \$50 for each month of
15 supervision or supervised community service ordered by the
16 court, unless after determining the inability of the person
17 placed on supervision or supervised community service to pay
18 the fee, the court assesses a lesser fee. The court may not
19 impose the fee on a minor who is made a ward of the State under
20 the Juvenile Court Act of 1987 while the minor is in placement.
21 The fee shall be imposed only upon a defendant who is actively
22 supervised by the probation and court services department. The
23 fee shall be collected by the clerk of the circuit court. The
24 clerk of the circuit court shall pay all monies collected from
25 this fee to the county treasurer for deposit in the probation
26 and court services fund pursuant to Section 15.1 of the

1 Probation and Probation Officers Act.

2 A circuit court may not impose a probation fee in excess of
3 \$25 per month unless the circuit court has adopted, by
4 administrative order issued by the chief judge, a standard
5 probation fee guide determining an offender's ability to pay.
6 Of the amount collected as a probation fee, not to exceed \$5 of
7 that fee collected per month may be used to provide services to
8 crime victims and their families.

9 The Court may only waive probation fees based on an
10 offender's ability to pay. The probation department may
11 re-evaluate an offender's ability to pay every 6 months, and,
12 with the approval of the Director of Court Services or the
13 Chief Probation Officer, adjust the monthly fee amount. An
14 offender may elect to pay probation fees due in a lump sum. Any
15 offender that has been assigned to the supervision of a
16 probation department, or has been transferred either under
17 subsection (h) of this Section or under any interstate compact,
18 shall be required to pay probation fees to the department
19 supervising the offender, based on the offender's ability to
20 pay.

21 (j) All fines and costs imposed under this Section for any
22 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
23 Code, or a similar provision of a local ordinance, and any
24 violation of the Child Passenger Protection Act, or a similar
25 provision of a local ordinance, shall be collected and
26 disbursed by the circuit clerk as provided under Section 27.5

1 of the Clerks of Courts Act.

2 (k) A defendant at least 17 years of age who is placed on
3 supervision for a misdemeanor in a county of 3,000,000 or more
4 inhabitants and who has not been previously convicted of a
5 misdemeanor or felony may as a condition of his or her
6 supervision be required by the court to attend educational
7 courses designed to prepare the defendant for a high school
8 diploma and to work toward a high school diploma or to work
9 toward passing high school equivalency testing or to work
10 toward completing a vocational training program approved by the
11 court. The defendant placed on supervision must attend a public
12 institution of education to obtain the educational or
13 vocational training required by this subsection (k). The
14 defendant placed on supervision shall be required to pay for
15 the cost of the educational courses or high school equivalency
16 testing if a fee is charged for those courses or testing. The
17 court shall revoke the supervision of a person who wilfully
18 fails to comply with this subsection (k). The court shall
19 resentence the defendant upon revocation of supervision as
20 provided in Section 5-6-4. This subsection (k) does not apply
21 to a defendant who has a high school diploma or has
22 successfully passed high school equivalency testing. This
23 subsection (k) does not apply to a defendant who is determined
24 by the court to be a person with a developmental disability or
25 otherwise mentally incapable of completing the educational or
26 vocational program.

1 (1) The court shall require a defendant placed on
2 supervision for possession of a substance prohibited by the
3 Cannabis Control Act, the Illinois Controlled Substances Act,
4 or the Methamphetamine Control and Community Protection Act
5 after a previous conviction or disposition of supervision for
6 possession of a substance prohibited by the Cannabis Control
7 Act, the Illinois Controlled Substances Act, or the
8 Methamphetamine Control and Community Protection Act or a
9 sentence of probation under Section 10 of the Cannabis Control
10 Act or Section 410 of the Illinois Controlled Substances Act
11 and after a finding by the court that the person is addicted,
12 to undergo treatment at a substance abuse program approved by
13 the court.

14 (m) The Secretary of State shall require anyone placed on
15 court supervision for a violation of Section 3-707 of the
16 Illinois Vehicle Code or a similar provision of a local
17 ordinance to give proof of his or her financial responsibility
18 as defined in Section 7-315 of the Illinois Vehicle Code. The
19 proof shall be maintained by the individual in a manner
20 satisfactory to the Secretary of State for a minimum period of
21 3 years after the date the proof is first filed. The proof
22 shall be limited to a single action per arrest and may not be
23 affected by any post-sentence disposition. The Secretary of
24 State shall suspend the driver's license of any person
25 determined by the Secretary to be in violation of this
26 subsection.

1 (n) Any offender placed on supervision for any offense that
2 the court or probation department has determined to be sexually
3 motivated as defined in the Sex Offender Management Board Act
4 shall be required to refrain from any contact, directly or
5 indirectly, with any persons specified by the court and shall
6 be available for all evaluations and treatment programs
7 required by the court or the probation department.

8 (o) An offender placed on supervision for a sex offense as
9 defined in the Sex Offender Management Board Act shall refrain
10 from residing at the same address or in the same condominium
11 unit or apartment unit or in the same condominium complex or
12 apartment complex with another person he or she knows or
13 reasonably should know is a convicted sex offender or has been
14 placed on supervision for a sex offense. The provisions of this
15 subsection (o) do not apply to a person convicted of a sex
16 offense who is placed in a Department of Corrections licensed
17 transitional housing facility for sex offenders.

18 (p) An offender placed on supervision for an offense
19 committed on or after June 1, 2008 (the effective date of
20 Public Act 95-464) that would qualify the accused as a child
21 sex offender as defined in Section 11-9.3 or 11-9.4 of the
22 Criminal Code of 1961 or the Criminal Code of 2012 shall
23 refrain from communicating with or contacting, by means of the
24 Internet, a person who is not related to the accused and whom
25 the accused reasonably believes to be under 18 years of age.
26 For purposes of this subsection (p), "Internet" has the meaning

1 ascribed to it in Section 16-0.1 of the Criminal Code of 2012;
2 and a person is not related to the accused if the person is
3 not: (i) the spouse, brother, or sister of the accused; (ii) a
4 descendant of the accused; (iii) a first or second cousin of
5 the accused; or (iv) a step-child or adopted child of the
6 accused.

7 (q) An offender placed on supervision for an offense
8 committed on or after June 1, 2008 (the effective date of
9 Public Act 95-464) that would qualify the accused as a child
10 sex offender as defined in Section 11-9.3 or 11-9.4 of the
11 Criminal Code of 1961 or the Criminal Code of 2012 shall, if so
12 ordered by the court, refrain from communicating with or
13 contacting, by means of the Internet, a person who is related
14 to the accused and whom the accused reasonably believes to be
15 under 18 years of age. For purposes of this subsection (q),
16 "Internet" has the meaning ascribed to it in Section 16-0.1 of
17 the Criminal Code of 2012; and a person is related to the
18 accused if the person is: (i) the spouse, brother, or sister of
19 the accused; (ii) a descendant of the accused; (iii) a first or
20 second cousin of the accused; or (iv) a step-child or adopted
21 child of the accused.

22 (r) An offender placed on supervision for an offense under
23 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a
24 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or
25 11-21 of the Criminal Code of 1961 or the Criminal Code of
26 2012, or any attempt to commit any of these offenses, committed

1 on or after June 1, 2009 (the effective date of Public Act
2 95-983) ~~this amendatory Act of the 95th General Assembly~~ shall:

3 (i) not access or use a computer or any other device
4 with Internet capability without the prior written
5 approval of the court, except in connection with the
6 offender's employment or search for employment with the
7 prior approval of the court;

8 (ii) submit to periodic unannounced examinations of
9 the offender's computer or any other device with Internet
10 capability by the offender's probation officer, a law
11 enforcement officer, or assigned computer or information
12 technology specialist, including the retrieval and copying
13 of all data from the computer or device and any internal or
14 external peripherals and removal of such information,
15 equipment, or device to conduct a more thorough inspection;

16 (iii) submit to the installation on the offender's
17 computer or device with Internet capability, at the
18 offender's expense, of one or more hardware or software
19 systems to monitor the Internet use; and

20 (iv) submit to any other appropriate restrictions
21 concerning the offender's use of or access to a computer or
22 any other device with Internet capability imposed by the
23 court.

24 (s) An offender placed on supervision for an offense that
25 is a sex offense as defined in Section 2 of the Sex Offender
26 Registration Act that is committed on or after January 1, 2010

1 (the effective date of Public Act 96-362) that requires the
2 person to register as a sex offender under that Act, may not
3 knowingly use any computer scrub software on any computer that
4 the sex offender uses.

5 (t) An offender placed on supervision for a sex offense as
6 defined in the Sex Offender Registration Act committed on or
7 after January 1, 2010 (the effective date of Public Act 96-262)
8 shall refrain from accessing or using a social networking
9 website as defined in Section 17-0.5 of the Criminal Code of
10 2012.

11 (u) Jurisdiction over an offender may be transferred from
12 the sentencing court to the court of another circuit with the
13 concurrence of both courts. Further transfers or retransfers of
14 jurisdiction are also authorized in the same manner. The court
15 to which jurisdiction has been transferred shall have the same
16 powers as the sentencing court. The probation department within
17 the circuit to which jurisdiction has been transferred may
18 impose probation fees upon receiving the transferred offender,
19 as provided in subsection (i). The probation department from
20 the original sentencing court shall retain all probation fees
21 collected prior to the transfer.

22 (Source: P.A. 98-718, eff. 1-1-15; 98-940, eff. 1-1-15; 99-78,
23 eff. 7-20-15; 99-143, eff. 7-27-15; 99-642, eff. 7-28-16;
24 99-797, eff. 8-12-16; revised 9-1-16.)

25 (730 ILCS 5/5-8-1.2)

1 Sec. 5-8-1.2. County impact incarceration.

2 (a) Legislative intent. It is the finding of the General
3 Assembly that certain non-violent offenders eligible for
4 sentences of incarceration may benefit from the rehabilitative
5 aspects of a county impact incarceration program. It is the
6 intent of the General Assembly that such programs be
7 implemented as provided by this Section. This Section shall not
8 be construed to allow violent offenders to participate in a
9 county impact incarceration program.

10 (b) Under the direction of the Sheriff and with the
11 approval of the County Board of Commissioners, the Sheriff, in
12 any county with more than 3,000,000 inhabitants, may establish
13 and operate a county impact incarceration program for eligible
14 offenders. If the court finds under Section 5-4-1 that an
15 offender convicted of a felony meets the eligibility
16 requirements of the Sheriff's county impact incarceration
17 program, the court may sentence the offender to the county
18 impact incarceration program. The Sheriff shall be responsible
19 for monitoring all offenders who are sentenced to the county
20 impact incarceration program, including the mandatory period
21 of monitored release following the 120 to 180 days of impact
22 incarceration. Offenders assigned to the county impact
23 incarceration program under an intergovernmental agreement
24 between the county and the Illinois Department of Corrections
25 are exempt from the provisions of this mandatory period of
26 monitored release. In the event the offender is not accepted

1 for placement in the county impact incarceration program, the
2 court shall proceed to sentence the offender to any other
3 disposition authorized by this Code. If the offender does not
4 successfully complete the program, the offender's failure to do
5 so shall constitute a violation of the sentence to the county
6 impact incarceration program.

7 (c) In order to be eligible to be sentenced to a county
8 impact incarceration program by the court, the person shall
9 meet all of the following requirements:

10 (1) The ~~the~~ person must be not less than 17 years of
11 age nor more than 35 years of age.†

12 (2) The person has not previously participated in the
13 impact incarceration program and has not previously served
14 more than one prior sentence of imprisonment for a felony
15 in an adult correctional facility.†

16 (3) The person has not been convicted of a Class X
17 felony, first or second degree murder, armed violence,
18 aggravated kidnapping, criminal sexual assault, aggravated
19 criminal sexual abuse or a subsequent conviction for
20 criminal sexual abuse, forcible detention, or arson and has
21 not been convicted previously of any of those offenses.

22 (4) The person has been found in violation of probation
23 for an offense that is a Class 2, 3, or 4 felony that is not
24 a forcible felony as defined in Section 2-8 of the Criminal
25 Code of 2012 or a violent crime as defined in subsection

26 (c) of Section 3 of the Rights of Crime Victims and

1 Witnesses Act who otherwise could be sentenced to a term of
2 incarceration; or the person is convicted of an offense
3 that is a Class 2, 3, or 4 felony that is not a forcible
4 felony as defined in Section 2-8 of the Criminal Code of
5 2012 or a violent crime as defined in subsection (c) of
6 Section 3 of the Rights of Crime Victims and Witnesses Act
7 who has previously served a sentence of probation for any
8 felony offense and who otherwise could be sentenced to a
9 term of incarceration.

10 (5) The person must be physically able to participate
11 in strenuous physical activities or labor.

12 (6) The person must not have any mental disorder or
13 disability that would prevent participation in a county
14 impact incarceration program.

15 (7) The person was recommended and approved for
16 placement in the county impact incarceration program by the
17 Sheriff and consented in writing to participation in the
18 county impact incarceration program and to the terms and
19 conditions of the program. The Sheriff may consider, among
20 other matters, whether the person has any outstanding
21 detainers or warrants, whether the person has a history of
22 escaping or absconding, whether participation in the
23 county impact incarceration program may pose a risk to the
24 safety or security of any person and whether space is
25 available.

26 (c-5) ~~(e)~~ The county impact incarceration program shall

1 include, among other matters, mandatory physical training and
2 labor, military formation and drills, regimented activities,
3 uniformity of dress and appearance, education and counseling,
4 including drug counseling where appropriate.

5 (d) Privileges including visitation, commissary, receipt
6 and retention of property and publications and access to
7 television, radio, and a library may be suspended or
8 restricted, notwithstanding provisions to the contrary in this
9 Code.

10 (e) The Sheriff shall issue written rules and requirements
11 for the program. Persons shall be informed of rules of behavior
12 and conduct. Persons participating in the county impact
13 incarceration program shall adhere to all rules and all
14 requirements of the program.

15 (f) Participation in the county impact incarceration
16 program shall be for a period of 120 to 180 days followed by a
17 mandatory term of monitored release for at least 8 months and
18 no more than 12 months supervised by the Sheriff. The period of
19 time a person shall serve in the impact incarceration program
20 shall not be reduced by the accumulation of good time. The
21 court may also sentence the person to a period of probation to
22 commence at the successful completion of the county impact
23 incarceration program.

24 (g) If the person successfully completes the county impact
25 incarceration program, the Sheriff shall certify the person's
26 successful completion of the program to the court and to the

1 county's State's Attorney. Upon successful completion of the
2 county impact incarceration program and mandatory term of
3 monitored release and if there is an additional period of
4 probation given, the person shall at that time begin his or her
5 probationary sentence under the supervision of the Adult
6 Probation Department.

7 (h) A person may be removed from the county impact
8 incarceration program for a violation of the terms or
9 conditions of the program or in the event he or she is for any
10 reason unable to participate. The failure to complete the
11 program for any reason, including the 8 to 12 month monitored
12 release period, shall be deemed a violation of the county
13 impact incarceration sentence. The Sheriff shall give notice to
14 the State's Attorney of the person's failure to complete the
15 program. The Sheriff shall file a petition for violation of the
16 county impact incarceration sentence with the court and the
17 State's Attorney may proceed on the petition under Section
18 5-6-4 of this Code. The Sheriff shall promulgate rules and
19 regulations governing conduct which could result in removal
20 from the program or in a determination that the person has not
21 successfully completed the program.

22 The mandatory conditions of every county impact
23 incarceration sentence shall include that the person either
24 while in the program or during the period of monitored release:

- 25 (1) not violate any criminal statute of any
26 jurisdiction;

1 (2) report or appear in person before any such person
2 or agency as directed by the court or the Sheriff;

3 (3) refrain from possessing a firearm or other
4 dangerous weapon;

5 (4) not leave the State without the consent of the
6 court or, in circumstances in which the reason for the
7 absence is of such an emergency nature that prior consent
8 by the court is not possible, without the prior
9 notification and approval of the Sheriff; and

10 (5) permit representatives of the Sheriff to visit at
11 the person's home or elsewhere to the extent necessary for
12 the Sheriff to monitor compliance with the program. Persons
13 shall have access to such rules, which shall provide that a
14 person shall receive notice of any such violation.

15 (i) The Sheriff may terminate the county impact
16 incarceration program at any time.

17 (j) The Sheriff shall report to the county board on or
18 before September 30th of each year on the county impact
19 incarceration program, including the composition of the
20 program by the offenders, by county of commitment, sentence,
21 age, offense, and race.

22 (Source: P.A. 97-1150, eff. 1-25-13; revised 10-5-16.)

23 (730 ILCS 5/5-8-8)

24 (Section scheduled to be repealed on December 31, 2020)

25 Sec. 5-8-8. Illinois Sentencing Policy Advisory Council.

1 (a) Creation. There is created under the jurisdiction of
2 the Governor the Illinois Sentencing Policy Advisory Council,
3 hereinafter referred to as the Council.

4 (b) Purposes and goals. The purpose of the Council is to
5 review sentencing policies and practices and examine how these
6 policies and practices impact the criminal justice system as a
7 whole in the State of Illinois. In carrying out its duties, the
8 Council shall be mindful of and aim to achieve the purposes of
9 sentencing in Illinois, which are set out in Section 1-1-2 of
10 this Code:

11 (1) prescribe sanctions proportionate to the
12 seriousness of the offenses and permit the recognition of
13 differences in rehabilitation possibilities among
14 individual offenders;

15 (2) forbid and prevent the commission of offenses;

16 (3) prevent arbitrary or oppressive treatment of
17 persons adjudicated offenders or delinquents; and

18 (4) restore offenders to useful citizenship.

19 (c) Council composition.

20 (1) The Council shall consist of the following members:

21 (A) the President of the Senate, or his or her
22 designee;

23 (B) the Minority Leader of the Senate, or his or
24 her designee;

25 (C) the Speaker of the House, or his or her
26 designee;

1 (D) the Minority Leader of the House, or his or her
2 designee;

3 (E) the Governor, or his or her designee;

4 (F) the Attorney General, or his or her designee;

5 (G) two retired judges, who may have been circuit,
6 appellate, or supreme court judges; retired judges
7 shall be selected by the members of the Council
8 designated in clauses (c) (1) (A) through (L);

9 (G-5) (blank);

10 (H) the Cook County State's Attorney, or his or her
11 designee;

12 (I) the Cook County Public Defender, or his or her
13 designee;

14 (J) a State's Attorney not from Cook County,
15 appointed by the State's Attorney's Appellate
16 Prosecutor;

17 (K) the State Appellate Defender, or his or her
18 designee;

19 (L) the Director of the Administrative Office of
20 the Illinois Courts, or his or her designee;

21 (M) a victim of a violent felony or a
22 representative of a crime victims' organization,
23 selected by the members of the Council designated in
24 clauses (c) (1) (A) through (L);

25 (N) a representative of a community-based
26 organization, selected by the members of the Council

1 designated in clauses (c) (1) (A) through (L);

2 (O) a criminal justice academic researcher, to be
3 selected by the members of the Council designated in
4 clauses (c) (1) (A) through (L);

5 (P) a representative of law enforcement from a unit
6 of local government to be selected by the members of
7 the Council designated in clauses (c) (1) (A) through
8 (L);

9 (Q) a sheriff selected by the members of the
10 Council designated in clauses (c) (1) (A) through (L);
11 and

12 (R) ex-officio members shall include:

13 (i) the Director of Corrections, or his or her
14 designee;

15 (ii) the Chair of the Prisoner Review Board, or
16 his or her designee;

17 (iii) the Director of the Illinois State
18 Police, or his or her designee; and

19 (iv) the Director of the Illinois Criminal
20 Justice Information Authority, or his or her
21 designee.

22 (1.5) The Chair and Vice Chair shall be elected from
23 among its members by a majority of the members of the
24 Council.

25 (2) Members of the Council who serve because of their
26 public office or position, or those who are designated as

1 members by such officials, shall serve only as long as they
2 hold such office or position.

3 (3) Council members shall serve without compensation
4 but shall be reimbursed for travel and per diem expenses
5 incurred in their work for the Council.

6 (4) The Council may exercise any power, perform any
7 function, take any action, or do anything in furtherance of
8 its purposes and goals upon the appointment of a quorum of
9 its members. The term of office of each member of the
10 Council ends on the date of repeal of this amendatory Act
11 of the 96th General Assembly.

12 (d) Duties. The Council shall perform, as resources permit,
13 duties including:

14 (1) Collect and analyze information including
15 sentencing data, crime trends, and existing correctional
16 resources to support legislative and executive action
17 affecting the use of correctional resources on the State
18 and local levels.

19 (2) Prepare criminal justice population projections
20 annually, including correctional and community-based
21 supervision populations.

22 (3) Analyze data relevant to proposed sentencing
23 legislation and its effect on current policies or
24 practices, and provide information to support
25 evidence-based sentencing.

26 (4) Ensure that adequate resources and facilities are

1 available for carrying out sentences imposed on offenders
2 and that rational priorities are established for the use of
3 those resources. To do so, the Council shall prepare
4 criminal justice resource statements, identifying the
5 fiscal and practical effects of proposed criminal
6 sentencing legislation, including, but not limited to, the
7 correctional population, court processes, and county or
8 local government resources.

9 (5) Perform such other studies or tasks pertaining to
10 sentencing policies as may be requested by the Governor or
11 the Illinois General Assembly.

12 (6) Perform such other functions as may be required by
13 law or as are necessary to carry out the purposes and goals
14 of the Council prescribed in subsection (b).

15 (7) Publish a report on the trends in sentencing for
16 offenders described in subsection (b-1) of Section 5-4-1 of
17 this Code, the impact of the trends on the prison and
18 probation populations, and any changes in the racial
19 composition of the prison and probation populations that
20 can be attributed to the changes made by adding subsection
21 (b-1) of Section 5-4-1 to this Code by Public Act 99-861
22 ~~this amendatory Act of the 99th General Assembly.~~

23 (e) Authority.

24 (1) The Council shall have the power to perform the
25 functions necessary to carry out its duties, purposes and
26 goals under this Act. In so doing, the Council shall

1 utilize information and analysis developed by the Illinois
2 Criminal Justice Information Authority, the Administrative
3 Office of the Illinois Courts, and the Illinois Department
4 of Corrections.

5 (2) Upon request from the Council, each executive
6 agency and department of State and local government shall
7 provide information and records to the Council in the
8 execution of its duties.

9 (f) Report. The Council shall report in writing annually to
10 the General Assembly, the Illinois Supreme Court, and the
11 Governor.

12 (g) This Section is repealed on December 31, 2020.
13 (Source: P.A. 98-65, eff. 7-15-13; 99-101, eff. 7-22-15;
14 99-533, eff. 7-8-16; 99-861, eff. 1-1-17; revised 9-6-16.)

15 (730 ILCS 5/5-8A-3) (from Ch. 38, par. 1005-8A-3)
16 Sec. 5-8A-3. Application.

17 (a) Except as provided in subsection (d), a person charged
18 with or convicted of an excluded offense may not be placed in
19 an electronic monitoring or home detention program, except for
20 bond pending trial or appeal or while on parole, aftercare
21 release, or mandatory supervised release.

22 (b) A person serving a sentence for a conviction of a Class
23 1 felony, other than an excluded offense, may be placed in an
24 electronic monitoring or home detention program for a period
25 not to exceed the last 90 days of incarceration.

1 (c) A person serving a sentence for a conviction of a Class
2 X felony, other than an excluded offense, may be placed in an
3 electronic monitoring or home detention program for a period
4 not to exceed the last 90 days of incarceration, provided that
5 the person was sentenced on or after August 11, 1993 (the
6 effective date of Public Act 88-311) ~~this amendatory Act of~~
7 ~~1993~~ and provided that the court has not prohibited the program
8 for the person in the sentencing order.

9 (d) A person serving a sentence for conviction of an
10 offense other than for predatory criminal sexual assault of a
11 child, aggravated criminal sexual assault, criminal sexual
12 assault, aggravated criminal sexual abuse, or felony criminal
13 sexual abuse, may be placed in an electronic monitoring or home
14 detention program for a period not to exceed the last 12 months
15 of incarceration, provided that (i) the person is 55 years of
16 age or older; (ii) the person is serving a determinate
17 sentence; (iii) the person has served at least 25% of the
18 sentenced prison term; and (iv) placement in an electronic home
19 monitoring or detention program is approved by the Prisoner
20 Review Board or the Department of Juvenile Justice.

21 (e) A person serving a sentence for conviction of a Class
22 2, 3, or 4 felony offense which is not an excluded offense may
23 be placed in an electronic monitoring or home detention program
24 pursuant to Department administrative directives.

25 (f) Applications for electronic monitoring or home
26 detention may include the following:

- 1 (1) pretrial or pre-adjudicatory detention;
- 2 (2) probation;
- 3 (3) conditional discharge;
- 4 (4) periodic imprisonment;
- 5 (5) parole, aftercare release, or mandatory supervised
6 release;
- 7 (6) work release;
- 8 (7) furlough; or
- 9 (8) post-trial incarceration.

10 (g) A person convicted of an offense described in clause
11 (4) or (5) of subsection (d) of Section 5-8-1 of this Code
12 shall be placed in an electronic monitoring or home detention
13 program for at least the first 2 years of the person's
14 mandatory supervised release term.

15 (Source: P.A. 98-558, eff. 1-1-14; 98-756, eff. 7-16-14;
16 99-628, eff. 1-1-17; 99-797, eff. 8-12-16; revised 9-1-16.)

17 (730 ILCS 5/5-8A-5) (from Ch. 38, par. 1005-8A-5)

18 Sec. 5-8A-5. Consent of the participant. Before entering an
19 order for commitment for electronic monitoring, the
20 supervising authority shall inform the participant and other
21 persons residing in the home of the nature and extent of the
22 approved electronic monitoring devices by doing the following:

23 (A) Securing the written consent of the participant in
24 the program to comply with the rules and regulations of the
25 program as stipulated in subsections (A) through (I) of

1 Section 5-8A-4.

2 (B) Where possible, securing the written consent of
3 other persons residing in the home of the participant,
4 including the person in whose name the telephone is
5 registered, at the time of the order or commitment for
6 electronic home detention is entered and acknowledge the
7 nature and extent of approved electronic monitoring
8 devices.

9 (C) Insure that the approved electronic devices be
10 minimally intrusive upon the privacy of the participant and
11 other persons residing in the home while remaining in
12 compliance with subsections (B) through (D) of Section
13 5-8A-4.

14 ~~(D)~~ This Section does not apply to persons subject to
15 Electronic Monitoring or home detention as a term or condition
16 of parole, aftercare release, or mandatory supervised release
17 under subsection (d) of Section 5-8-1 of this Code.

18 (Source: P.A. 98-558, eff. 1-1-14; 99-797, eff. 8-12-16;
19 revised 10-27-16.)

20 (730 ILCS 5/5-8A-7)

21 Sec. 5-8A-7. Domestic violence surveillance program. If
22 the Prisoner Review Board, Department of Corrections,
23 Department of Juvenile Justice, or court (the supervising
24 authority) orders electronic surveillance as a condition of
25 parole, aftercare release, mandatory supervised release, early

1 release, probation, or conditional discharge for a violation of
2 an order of protection or as a condition of bail for a person
3 charged with a violation of an order of protection, the
4 supervising authority shall use the best available global
5 positioning technology to track domestic violence offenders.
6 Best available technology must have real-time and interactive
7 capabilities that facilitate the following objectives: (1)
8 immediate notification to the supervising authority of a breach
9 of a court ordered exclusion zone; (2) notification of the
10 breach to the offender; and (3) communication between the
11 supervising authority, law enforcement, and the victim,
12 regarding the breach. The supervising authority may also
13 require that the electronic surveillance ordered under this
14 Section monitor the consumption of alcohol or drugs.

15 (Source: P.A. 98-558, eff. 1-1-14; 99-628, eff. 1-1-17; 99-797,
16 eff. 8-12-16; revised 9-2-16.)

17 Section 695. The Code of Civil Procedure is amended by
18 changing Section 13-214 as follows:

19 (735 ILCS 5/13-214) (from Ch. 110, par. 13-214)

20 Sec. 13-214. Construction; design ~~Construction—design~~
21 management and supervision. As used in this Section, "person"
22 means any individual, any business or legal entity, or any body
23 politic.

24 (a) Actions based upon tort, contract or otherwise against

1 any person for an act or omission of such person in the design,
2 planning, supervision, observation or management of
3 construction, or construction of an improvement to real
4 property shall be commenced within 4 years from the time the
5 person bringing an action, or his or her privy, knew or
6 should reasonably have known of such act or omission.
7 Notwithstanding any other provision of law, contract actions
8 against a surety on a payment or performance bond shall be
9 commenced, if at all, within the same time limitation
10 applicable to the bond principal.

11 (b) No action based upon tort, contract or otherwise may be
12 brought against any person for an act or omission of such
13 person in the design, planning, supervision, observation or
14 management of construction, or construction of an improvement
15 to real property after 10 years have elapsed from the time of
16 such act or omission. However, any person who discovers such
17 act or omission prior to expiration of 10 years from the time
18 of such act or omission shall in no event have less than 4
19 years to bring an action as provided in subsection (a) of this
20 Section. Notwithstanding any other provision of law, contract
21 actions against a surety on a payment or performance bond shall
22 be commenced, if at all, within the same time limitation
23 applicable to the bond principal.

24 (c) If a person otherwise entitled to bring an action could
25 not have brought such action within the limitation periods
26 herein solely because such person was under the age of 18

1 years, or a person with a developmental disability or a person
2 with mental illness, then the limitation periods herein shall
3 not begin to run until the person attains the age of 18 years,
4 or the disability is removed.

5 (d) Subsection (b) shall not prohibit any action against a
6 defendant who has expressly warranted or promised the
7 improvement to real property for a longer period from being
8 brought within that period.

9 (e) The limitations of this Section shall not apply to
10 causes of action arising out of fraudulent misrepresentations
11 or to fraudulent concealment of causes of action.

12 (f) Subsection (b) does not apply to an action that is
13 based on personal injury, disability, disease, or death
14 resulting from the discharge into the environment of asbestos.

15 (Source: P.A. 98-1131, eff. 6-1-15; revised 9-1-16.)

16 Section 700. The Real Estate Investment Trust Act is
17 amended by changing Section 2 as follows:

18 (745 ILCS 60/2) (from Ch. 30, par. 252)

19 Sec. 2. The shareholders or beneficiaries of a real estate
20 investment trust shall not, as such, be personally liable for
21 any of its obligations arising after the effective date of this
22 Act, nor shall persons who become shareholders or beneficiaries
23 after the effective date of this Act be personally liable, as
24 such, for obligations of the real estate trust. If an

1 application for registration of the securities issued or
2 issuable by such unincorporated trust or association has been
3 registered by the Secretary of State pursuant to Section 5 of
4 the ~~"The Illinois Securities Law of 1953", as heretofore and~~
5 ~~hereafter amended~~, such registration shall be conclusive
6 evidence that an unincorporated trust or association is a real
7 estate investment trust as to all persons who become
8 shareholders or beneficiaries after the registration date and
9 prior to its suspension or revocation, if any, and as to all
10 obligations of the unincorporated trust or association arising
11 after the effective date of this Act whether they arose before
12 or after the effective date of registration under Section 5 of
13 the ~~"The Illinois Securities Law of 1953"~~, and prior to
14 suspension or revocation of the registration.

15 (Source: Laws 1963, p. 994; revised 10-25-16.)

16 Section 705. The Illinois Marriage and Dissolution of
17 Marriage Act is amended by changing Section 510 as follows:

18 (750 ILCS 5/510) (from Ch. 40, par. 510)

19 (Text of Section before amendment by P.A. 99-764)

20 Sec. 510. Modification and termination of provisions for
21 maintenance, support, educational expenses, and property
22 disposition.

23 (a) Except as otherwise provided in paragraph (f) of
24 Section 502 and in subsection (b), clause (3) of Section 505.2,

1 the provisions of any judgment respecting maintenance or
2 support may be modified only as to installments accruing
3 subsequent to due notice by the moving party of the filing of
4 the motion for modification. An order for child support may be
5 modified as follows:

6 (1) upon a showing of a substantial change in
7 circumstances; and

8 (2) without the necessity of showing a substantial
9 change in circumstances, as follows:

10 (A) upon a showing of an inconsistency of at least
11 20%, but no less than \$10 per month, between the amount
12 of the existing order and the amount of child support
13 that results from application of the guidelines
14 specified in Section 505 of this Act unless the
15 inconsistency is due to the fact that the amount of the
16 existing order resulted from a deviation from the
17 guideline amount and there has not been a change in the
18 circumstances that resulted in that deviation; or

19 (B) upon a showing of a need to provide for the
20 health care needs of the child under the order through
21 health insurance or other means. In no event shall the
22 eligibility for or receipt of medical assistance be
23 considered to meet the need to provide for the child's
24 health care needs.

25 The provisions of subparagraph (a) (2) (A) shall apply only
26 in cases in which a party is receiving child support

1 enforcement services from the Department of Healthcare and
2 Family Services under Article X of the Illinois Public Aid
3 Code, and only when at least 36 months have elapsed since the
4 order for child support was entered or last modified.

5 (a-5) An order for maintenance may be modified or
6 terminated only upon a showing of a substantial change in
7 circumstances. In all such proceedings, as well as in
8 proceedings in which maintenance is being reviewed, the court
9 shall consider the applicable factors set forth in subsection
10 (a) of Section 504 and the following factors:

11 (1) any change in the employment status of either party
12 and whether the change has been made in good faith;

13 (2) the efforts, if any, made by the party receiving
14 maintenance to become self-supporting, and the
15 reasonableness of the efforts where they are appropriate;

16 (3) any impairment of the present and future earning
17 capacity of either party;

18 (4) the tax consequences of the maintenance payments
19 upon the respective economic circumstances of the parties;

20 (5) the duration of the maintenance payments
21 previously paid (and remaining to be paid) relative to the
22 length of the marriage;

23 (6) the property, including retirement benefits,
24 awarded to each party under the judgment of dissolution of
25 marriage, judgment of legal separation, or judgment of
26 declaration of invalidity of marriage and the present

1 status of the property;

2 (7) the increase or decrease in each party's income
3 since the prior judgment or order from which a review,
4 modification, or termination is being sought;

5 (8) the property acquired and currently owned by each
6 party after the entry of the judgment of dissolution of
7 marriage, judgment of legal separation, or judgment of
8 declaration of invalidity of marriage; and

9 (9) any other factor that the court expressly finds to
10 be just and equitable.

11 (a-6) In a review under subsection (b-4.5) of Section 504
12 of this Act, the court may enter a fixed-term maintenance award
13 that bars future maintenance only if, at the time of the entry
14 of the award, the marriage had lasted 10 years or less at the
15 time the original action was commenced.

16 (b) The provisions as to property disposition may not be
17 revoked or modified, unless the court finds the existence of
18 conditions that justify the reopening of a judgment under the
19 laws of this State.

20 (c) Unless otherwise agreed by the parties in a written
21 agreement set forth in the judgment or otherwise approved by
22 the court, the obligation to pay future maintenance is
23 terminated upon the death of either party, or the remarriage of
24 the party receiving maintenance, or if the party receiving
25 maintenance cohabits with another person on a resident,
26 continuing conjugal basis. A payor's obligation to pay

1 maintenance or unallocated maintenance terminates by operation
2 of law on the date the recipient remarries or the date the
3 court finds cohabitation began. The payor is entitled to
4 reimbursement for all maintenance paid from that date forward.
5 Any termination of an obligation for maintenance as a result of
6 the death of the payor party, however, shall be inapplicable to
7 any right of the other party or such other party's designee to
8 receive a death benefit under such insurance on the payor
9 party's life. A party receiving maintenance must advise the
10 payor of his or her intention to marry at least 30 days before
11 the remarriage, unless the decision is made within this time
12 period. In that event, he or she must notify the other party
13 within 72 hours of getting married.

14 (c-5) In an adjudicated case, the court shall make specific
15 factual findings as to the reason for the modification as well
16 as the amount, nature, and duration of the modified maintenance
17 award.

18 (d) Unless otherwise provided in this Act, or as agreed in
19 writing or expressly provided in the judgment, provisions for
20 the support of a child are terminated by emancipation of the
21 child, or if the child has attained the age of 18 and is still
22 attending high school, provisions for the support of the child
23 are terminated upon the date that the child graduates from high
24 school or the date the child attains the age of 19, whichever
25 is earlier, but not by the death of a parent obligated to
26 support or educate the child. An existing obligation to pay for

1 support or educational expenses, or both, is not terminated by
2 the death of a parent. When a parent obligated to pay support
3 or educational expenses, or both, dies, the amount of support
4 or educational expenses, or both, may be enforced, modified,
5 revoked or commuted to a lump sum payment, as equity may
6 require, and that determination may be provided for at the time
7 of the dissolution of the marriage or thereafter.

8 (e) The right to petition for support or educational
9 expenses, or both, under Sections 505 and 513 is not
10 extinguished by the death of a parent. Upon a petition filed
11 before or after a parent's death, the court may award sums of
12 money out of the decedent's estate for the child's support or
13 educational expenses, or both, as equity may require. The time
14 within which a claim may be filed against the estate of a
15 decedent under Sections 505 and 513 and subsection (d) and this
16 subsection shall be governed by the provisions of the Probate
17 Act of 1975, as a barrable, noncontingent claim.

18 (f) A petition to modify or terminate child support or
19 allocation of parental responsibilities shall not delay any
20 child support enforcement litigation or supplementary
21 proceeding on behalf of the obligee, including, but not limited
22 to, a petition for a rule to show cause, for non-wage
23 garnishment, or for a restraining order.

24 (Source: P.A. 99-90, eff. 1-1-16.)

25 (Text of Section after amendment by P.A. 99-764)

1 Sec. 510. Modification and termination of provisions for
2 maintenance, support, educational expenses, and property
3 disposition.

4 (a) Except as otherwise provided in paragraph (f) of
5 Section 502 and in subsection (b), clause (3) of Section 505.2,
6 the provisions of any judgment respecting maintenance or
7 support may be modified only as to installments accruing
8 subsequent to due notice by the moving party of the filing of
9 the motion for modification. An order for child support may be
10 modified as follows:

11 (1) upon a showing of a substantial change in
12 circumstances; and

13 (2) without the necessity of showing a substantial
14 change in circumstances, as follows:

15 (A) upon a showing of an inconsistency of at least
16 20%, but no less than \$10 per month, between the amount
17 of the existing order and the amount of child support
18 that results from application of the guidelines
19 specified in Section 505 of this Act unless the
20 inconsistency is due to the fact that the amount of the
21 existing order resulted from a deviation from the
22 guideline amount and there has not been a change in the
23 circumstances that resulted in that deviation; or

24 (B) upon a showing of a need to provide for the
25 health care needs of the child under the order through
26 health insurance or other means. In no event shall the

1 eligibility for or receipt of medical assistance be
2 considered to meet the need to provide for the child's
3 health care needs.

4 The provisions of subparagraph (a)(2)(A) shall apply only
5 in cases in which a party is receiving child support
6 enforcement services from the Department of Healthcare and
7 Family Services under Article X of the Illinois Public Aid
8 Code, and only when at least 36 months have elapsed since the
9 order for child support was entered or last modified.

10 The court may grant a petition for modification that seeks
11 to apply the changes made to subsection (a) of Section 505 by
12 Public Act 99-764 ~~this amendatory Act of the 99th General~~
13 ~~Assembly~~ to an order entered before the effective date of
14 Public Act 99-764 ~~this amendatory Act of the 99th General~~
15 ~~Assembly~~ only upon a finding of a substantial change in
16 circumstances that warrants application of the changes. The
17 enactment of Public Act 99-764 ~~this amendatory Act of the 99th~~
18 ~~General Assembly~~ itself does not constitute a substantial
19 change in circumstances warranting a modification.

20 (a-5) An order for maintenance may be modified or
21 terminated only upon a showing of a substantial change in
22 circumstances. In all such proceedings, as well as in
23 proceedings in which maintenance is being reviewed, the court
24 shall consider the applicable factors set forth in subsection
25 (a) of Section 504 and the following factors:

26 (1) any change in the employment status of either party

1 and whether the change has been made in good faith;

2 (2) the efforts, if any, made by the party receiving
3 maintenance to become self-supporting, and the
4 reasonableness of the efforts where they are appropriate;

5 (3) any impairment of the present and future earning
6 capacity of either party;

7 (4) the tax consequences of the maintenance payments
8 upon the respective economic circumstances of the parties;

9 (5) the duration of the maintenance payments
10 previously paid (and remaining to be paid) relative to the
11 length of the marriage;

12 (6) the property, including retirement benefits,
13 awarded to each party under the judgment of dissolution of
14 marriage, judgment of legal separation, or judgment of
15 declaration of invalidity of marriage and the present
16 status of the property;

17 (7) the increase or decrease in each party's income
18 since the prior judgment or order from which a review,
19 modification, or termination is being sought;

20 (8) the property acquired and currently owned by each
21 party after the entry of the judgment of dissolution of
22 marriage, judgment of legal separation, or judgment of
23 declaration of invalidity of marriage; and

24 (9) any other factor that the court expressly finds to
25 be just and equitable.

26 (a-6) In a review under subsection (b-4.5) of Section 504

1 of this Act, the court may enter a fixed-term maintenance award
2 that bars future maintenance only if, at the time of the entry
3 of the award, the marriage had lasted 10 years or less at the
4 time the original action was commenced.

5 (b) The provisions as to property disposition may not be
6 revoked or modified, unless the court finds the existence of
7 conditions that justify the reopening of a judgment under the
8 laws of this State.

9 (c) Unless otherwise agreed by the parties in a written
10 agreement set forth in the judgment or otherwise approved by
11 the court, the obligation to pay future maintenance is
12 terminated upon the death of either party, or the remarriage of
13 the party receiving maintenance, or if the party receiving
14 maintenance cohabits with another person on a resident,
15 continuing conjugal basis. A payor's obligation to pay
16 maintenance or unallocated maintenance terminates by operation
17 of law on the date the recipient remarries or the date the
18 court finds cohabitation began. The payor is entitled to
19 reimbursement for all maintenance paid from that date forward.
20 Any termination of an obligation for maintenance as a result of
21 the death of the payor party, however, shall be inapplicable to
22 any right of the other party or such other party's designee to
23 receive a death benefit under such insurance on the payor
24 party's life. A party receiving maintenance must advise the
25 payor of his or her intention to marry at least 30 days before
26 the remarriage, unless the decision is made within this time

1 period. In that event, he or she must notify the other party
2 within 72 hours of getting married.

3 (c-5) In an adjudicated case, the court shall make specific
4 factual findings as to the reason for the modification as well
5 as the amount, nature, and duration of the modified maintenance
6 award.

7 (d) Unless otherwise provided in this Act, or as agreed in
8 writing or expressly provided in the judgment, provisions for
9 the support of a child are terminated by emancipation of the
10 child, or if the child has attained the age of 18 and is still
11 attending high school, provisions for the support of the child
12 are terminated upon the date that the child graduates from high
13 school or the date the child attains the age of 19, whichever
14 is earlier, but not by the death of a parent obligated to
15 support or educate the child. An existing obligation to pay for
16 support or educational expenses, or both, is not terminated by
17 the death of a parent. When a parent obligated to pay support
18 or educational expenses, or both, dies, the amount of support
19 or educational expenses, or both, may be enforced, modified,
20 revoked or commuted to a lump sum payment, as equity may
21 require, and that determination may be provided for at the time
22 of the dissolution of the marriage or thereafter.

23 (e) The right to petition for support or educational
24 expenses, or both, under Sections 505 and 513 is not
25 extinguished by the death of a parent. Upon a petition filed
26 before or after a parent's death, the court may award sums of

1 money out of the decedent's estate for the child's support or
2 educational expenses, or both, as equity may require. The time
3 within which a claim may be filed against the estate of a
4 decedent under Sections 505 and 513 and subsection (d) and this
5 subsection shall be governed by the provisions of the Probate
6 Act of 1975, as a barrable, noncontingent claim.

7 (f) A petition to modify or terminate child support or
8 allocation of parental responsibilities shall not delay any
9 child support enforcement litigation or supplementary
10 proceeding on behalf of the obligee, including, but not limited
11 to, a petition for a rule to show cause, for non-wage
12 garnishment, or for a restraining order.

13 (Source: P.A. 99-90, eff. 1-1-16; 99-764, eff. 7-1-17; revised
14 9-8-16.)

15 Section 710. The Illinois Parentage Act of 2015 is amended
16 by changing Section 103 as follows:

17 (750 ILCS 46/103)

18 Sec. 103. Definitions. In this Act:

19 (a) "Acknowledged father" means a man who has established a
20 father-child relationship under Article 3.

21 (b) "Adjudicated father" means a man who has been
22 adjudicated by a court of competent jurisdiction, or as
23 authorized under Article X of the Illinois Public Aid Code, to
24 be the father of a child.

1 (c) "Alleged father" means a man who alleges himself to be,
2 or is alleged to be, the biological father or a possible
3 biological father of a child, but whose paternity has not been
4 established. The term does not include:

5 (1) a presumed parent or acknowledged father; or

6 (2) a man whose parental rights have been terminated or
7 declared not to exist.

8 (d) "Assisted reproduction" means a method of achieving a
9 pregnancy through ~~though~~ an artificial insemination or an
10 embryo transfer and includes gamete and embryo donation.
11 "Assisted reproduction" does not include any pregnancy
12 achieved through sexual intercourse.

13 (e) "Child" means an individual of any age whose parentage
14 may be established under this Act.

15 (f) "Combined paternity index" means the likelihood of
16 paternity calculated by computing the ratio between:

17 (1) the likelihood that the tested man is the father,
18 based on the genetic markers of the tested man, mother, and
19 child, conditioned on the hypothesis that the tested man is
20 the father of the child; and

21 (2) the likelihood that the tested man is not the
22 father, based on the genetic markers of the tested man,
23 mother, and child, conditioned on the hypothesis that the
24 tested man is not the father of the child and that the
25 father is of the same ethnic or racial group as the tested
26 man.

1 (g) "Commence" means to file the initial pleading seeking
2 an adjudication of parentage in the circuit court of this
3 State.

4 (h) "Determination of parentage" means the establishment
5 of the parent-child relationship by the signing of a voluntary
6 acknowledgment under Article 3 of this Act or adjudication by
7 the court or as authorized under Article X of the Illinois
8 Public Aid Code.

9 (i) "Donor" means an individual who participates in an
10 assisted reproductive technology arrangement by providing
11 gametes and relinquishes all rights and responsibilities to the
12 gametes so that another individual or individuals may become
13 the legal parent or parents of any resulting child. "Donor"
14 does not include a spouse in any assisted reproductive
15 technology arrangement in which his or her spouse will parent
16 any resulting child.

17 (j) "Ethnic or racial group" means, for purposes of genetic
18 testing, a recognized group that an individual identifies as
19 all or part of the individual's ancestry or that is so
20 identified by other information.

21 (k) "Gamete" means either a sperm or an egg.

22 (l) "Genetic testing" means an analysis of genetic markers
23 to exclude or identify a man as the father or a woman as the
24 mother of a child as provided in Article 4 of this Act.

25 (1-5) "Gestational surrogacy" means the process by which a
26 woman attempts to carry and give birth to a child created

1 through in vitro fertilization in which the gestational
2 surrogate has made no genetic contribution to any resulting
3 child.

4 (m) "Gestational surrogate" means a woman who is not an
5 intended parent and agrees to engage in a gestational surrogacy
6 arrangement pursuant to the terms of a valid gestational
7 surrogacy arrangement under the Gestational Surrogacy Act.

8 (m-5) "Intended parent" means a person who enters into an
9 assisted reproductive technology arrangement, including a
10 gestational surrogacy arrangement, under which he or she will
11 be the legal parent of the resulting child.

12 (n) "Parent" means an individual who has established a
13 parent-child relationship under Section 201 of this Act.

14 (o) "Parent-child relationship" means the legal
15 relationship between a child and a parent of the child.

16 (p) "Presumed parent" means an individual who, by operation
17 of law under Section 204 of this Act, is recognized as the
18 parent of a child until that status is rebutted or confirmed in
19 a judicial or administrative proceeding.

20 (q) "Probability of paternity" means the measure, for the
21 ethnic or racial group to which the alleged father belongs, of
22 the probability that the man in question is the father of the
23 child, compared with a random, unrelated man of the same ethnic
24 or racial group, expressed as a percentage incorporating the
25 combined paternity index and a prior probability.

26 (r) "Record" means information that is inscribed on a

1 tangible medium or that is stored in an electronic or other
2 medium and is retrievable in perceivable form.

3 (s) "Signatory" means an individual who authenticates a
4 record and is bound by its terms.

5 (t) "State" means a state of the United States, the
6 District of Columbia, Puerto Rico, the United States Virgin
7 Islands, or any territory or insular possession subject to the
8 jurisdiction of the United States.

9 (u) "Substantially similar legal relationship" means a
10 relationship recognized in this State under Section 60 of the
11 Illinois Religious Freedom Protection and Civil Union Act.

12 (v) "Support-enforcement agency" means a public official
13 or agency authorized to seek:

14 (1) enforcement of support orders or laws relating to
15 the duty of support;

16 (2) establishment or modification of child support;

17 (3) determination of parentage; or

18 (4) location of child-support obligors and their
19 income and assets.

20 (Source: P.A. 99-85, eff. 1-1-16; 99-763, eff. 1-1-17; 99-769,
21 eff. 1-1-17; revised 9-12-16.)

22 Section 715. The Illinois Domestic Violence Act of 1986 is
23 amended by changing Section 202 as follows:

24 (750 ILCS 60/202) (from Ch. 40, par. 2312-2)

1 Sec. 202. Commencement of action; filing fees; dismissal.

2 (a) How to commence action. Actions for orders of
3 protection are commenced:

4 (1) Independently: By filing a petition for an order of
5 protection in any civil court, unless specific courts are
6 designated by local rule or order.

7 (2) In conjunction with another civil proceeding: By
8 filing a petition for an order of protection under the same
9 case number as another civil proceeding involving the
10 parties, including but not limited to: (i) any proceeding
11 under the Illinois Marriage and Dissolution of Marriage
12 Act, Illinois Parentage Act of 2015, Nonsupport of Spouse
13 and Children Act, Revised Uniform Reciprocal Enforcement
14 of Support Act or an action for nonsupport brought under
15 Article X ~~10~~ of the Illinois Public Aid Code, provided that
16 a petitioner and the respondent are a party to or the
17 subject of that proceeding or (ii) a guardianship
18 proceeding under the Probate Act of 1975, or a proceeding
19 for involuntary commitment under the Mental Health and
20 Developmental Disabilities Code, or any proceeding, other
21 than a delinquency petition, under the Juvenile Court Act
22 of 1987, provided that a petitioner or the respondent is a
23 party to or the subject of such proceeding.

24 (3) In conjunction with a delinquency petition or a
25 criminal prosecution: By filing a petition for an order of
26 protection, under the same case number as the delinquency

1 petition or criminal prosecution, to be granted during
2 pre-trial release of a defendant, with any dispositional
3 order issued under Section 5-710 of the Juvenile Court Act
4 of 1987 or as a condition of release, supervision,
5 conditional discharge, probation, periodic imprisonment,
6 parole, aftercare release, or mandatory supervised
7 release, or in conjunction with imprisonment or a bond
8 forfeiture warrant; provided that:

9 (i) the violation is alleged in an information,
10 complaint, indictment or delinquency petition on file,
11 and the alleged offender and victim are family or
12 household members or persons protected by this Act; and

13 (ii) the petition, which is filed by the State's
14 Attorney, names a victim of the alleged crime as a
15 petitioner.

16 (b) Filing, certification, and service fees. No fee shall
17 be charged by the clerk for filing, amending, vacating,
18 certifying, or photocopying petitions or orders; or for issuing
19 alias summons; or for any related filing service. No fee shall
20 be charged by the sheriff for service by the sheriff of a
21 petition, rule, motion, or order in an action commenced under
22 this Section.

23 (c) Dismissal and consolidation. Withdrawal or dismissal
24 of any petition for an order of protection prior to
25 adjudication where the petitioner is represented by the State
26 shall operate as a dismissal without prejudice. No action for

1 an order of protection shall be dismissed because the
2 respondent is being prosecuted for a crime against the
3 petitioner. An independent action may be consolidated with
4 another civil proceeding, as provided by paragraph (2) of
5 subsection (a) of this Section. For any action commenced under
6 paragraph (2) or (3) of subsection (a) of this Section,
7 dismissal of the conjoined case (or a finding of not guilty)
8 shall not require dismissal of the action for the order of
9 protection; instead, it may be treated as an independent action
10 and, if necessary and appropriate, transferred to a different
11 court or division. Dismissal of any conjoined case shall not
12 affect the validity of any previously issued order of
13 protection, and thereafter subsections (b)(1) and (b)(2) of
14 Section 220 shall be inapplicable to such order.

15 (d) Pro se petitions. The court shall provide, through the
16 office of the clerk of the court, simplified forms and clerical
17 assistance to help with the writing and filing of a petition
18 under this Section by any person not represented by counsel. In
19 addition, that assistance may be provided by the state's
20 attorney.

21 (e) As provided in this subsection, the administrative
22 director of the Administrative Office of the Illinois Courts,
23 with the approval of the administrative board of the courts,
24 may adopt rules to establish and implement a pilot program to
25 allow the electronic filing of petitions for temporary orders
26 of protection and the issuance of such orders by audio-visual

1 means to accommodate litigants for whom attendance in court to
2 file for and obtain emergency relief would constitute an undue
3 hardship or would constitute a risk of harm to the litigant.

4 (1) As used in this subsection:

5 (A) "Electronic means" means any method of
6 transmission of information between computers or other
7 machines designed for the purpose of sending or
8 receiving electronic transmission and that allows for
9 the recipient of information to reproduce the
10 information received in a tangible medium of
11 expression.

12 (B) "Independent audio-visual system" means an
13 electronic system for the transmission and receiving
14 of audio and visual signals, including those with the
15 means to preclude the unauthorized reception and
16 decoding of the signals by commercially available
17 television receivers, channel converters, or other
18 available receiving devices.

19 (C) "Electronic appearance" means an appearance in
20 which one or more of the parties are not present in the
21 court, but in which, by means of an independent
22 audio-visual system, all of the participants are
23 simultaneously able to see and hear reproductions of
24 the voices and images of the judge, counsel, parties,
25 witnesses, and any other participants.

26 (2) Any pilot program under this subsection (e) shall

1 be developed by the administrative director or his or her
2 delegate in consultation with at least one local
3 organization providing assistance to domestic violence
4 victims. The program plan shall include but not be limited
5 to:

6 (A) identification of agencies equipped with or
7 that have access to an independent audio-visual system
8 and electronic means for filing documents; and

9 (B) identification of one or more organizations
10 who are trained and available to assist petitioners in
11 preparing and filing petitions for temporary orders of
12 protection and in their electronic appearances before
13 the court to obtain such orders; and

14 (C) identification of the existing resources
15 available in local family courts for the
16 implementation and oversight of the pilot program; and

17 (D) procedures for filing petitions and documents
18 by electronic means, swearing in the petitioners and
19 witnesses, preparation of a transcript of testimony
20 and evidence presented, and a prompt transmission of
21 any orders issued to the parties; and

22 (E) a timeline for implementation and a plan for
23 informing the public about the availability of the
24 program; and

25 (F) a description of the data to be collected in
26 order to evaluate and make recommendations for

1 improvements to the pilot program.

2 (3) In conjunction with an electronic appearance, any
3 petitioner for an ex parte temporary order of protection
4 may, using the assistance of a trained advocate if
5 necessary, commence the proceedings by filing a petition by
6 electronic means.

7 (A) A petitioner who is seeking an ex parte
8 temporary order of protection using an electronic
9 appearance must file a petition in advance of the
10 appearance and may do so electronically.

11 (B) The petitioner must show that traveling to or
12 appearing in court would constitute an undue hardship
13 or create a risk of harm to the petitioner. In granting
14 or denying any relief sought by the petitioner, the
15 court shall state the names of all participants and
16 whether it is granting or denying an appearance by
17 electronic means and the basis for such a
18 determination. A party is not required to file a
19 petition or other document by electronic means or to
20 testify by means of an electronic appearance.

21 (C) Nothing in this subsection (e) affects or
22 changes any existing laws governing the service of
23 process, including requirements for personal service
24 or the sealing and confidentiality of court records in
25 court proceedings or access to court records by the
26 parties to the proceedings.

1 (4) Appearances.

2 (A) All electronic appearances by a petitioner
3 seeking an ex parte temporary order of protection under
4 this subsection (e) are strictly voluntary and the
5 court shall obtain the consent of the petitioner on the
6 record at the commencement of each appearance.

7 (B) Electronic appearances under this subsection
8 (e) shall be recorded and preserved for transcription.
9 Documentary evidence, if any, referred to by a party or
10 witness or the court may be transmitted and submitted
11 and introduced by electronic means.

12 (Source: P.A. 98-558, eff. 1-1-14; 99-85, eff. 1-1-16; 99-718,
13 eff. 1-1-17; revised 10-25-16.)

14 Section 720. The Probate Act of 1975 is amended by changing
15 Section 11a-10 as follows:

16 (755 ILCS 5/11a-10) (from Ch. 110 1/2, par. 11a-10)

17 Sec. 11a-10. Procedures preliminary to hearing.

18 (a) Upon the filing of a petition pursuant to Section
19 11a-8, the court shall set a date and place for hearing to take
20 place within 30 days. The court shall appoint a guardian ad
21 litem to report to the court concerning the respondent's best
22 interests consistent with the provisions of this Section,
23 except that the appointment of a guardian ad litem shall not be
24 required when the court determines that such appointment is not

1 necessary for the protection of the respondent or a reasonably
2 informed decision on the petition. If the guardian ad litem is
3 not a licensed attorney, he or she shall be qualified, by
4 training or experience, to work with or advocate for persons
5 with developmental disabilities, the mentally ill, persons
6 with physical disabilities, the elderly, or persons with a
7 disability due to mental deterioration, depending on the type
8 of disability that is alleged in the petition. The court may
9 allow the guardian ad litem reasonable compensation. The
10 guardian ad litem may consult with a person who by training or
11 experience is qualified to work with persons with a
12 developmental disability, persons with mental illness, persons
13 with physical disabilities, or persons with a disability due to
14 mental deterioration, depending on the type of disability that
15 is alleged. The guardian ad litem shall personally observe the
16 respondent prior to the hearing and shall inform him orally and
17 in writing of the contents of the petition and of his rights
18 under Section 11a-11. The guardian ad litem shall also attempt
19 to elicit the respondent's position concerning the
20 adjudication of disability, the proposed guardian, a proposed
21 change in residential placement, changes in care that might
22 result from the guardianship, and other areas of inquiry deemed
23 appropriate by the court. Notwithstanding any provision in the
24 Mental Health and Developmental Disabilities Confidentiality
25 Act or any other law, a guardian ad litem shall have the right
26 to inspect and copy any medical or mental health record of the

1 respondent which the guardian ad litem deems necessary,
2 provided that the information so disclosed shall not be
3 utilized for any other purpose nor be redisclosed except in
4 connection with the proceedings. At or before the hearing, the
5 guardian ad litem shall file a written report detailing his or
6 her observations of the respondent, the responses of the
7 respondent to any of the inquiries detailed in this Section,
8 the opinion of the guardian ad litem or other professionals
9 with whom the guardian ad litem consulted concerning the
10 appropriateness of guardianship, and any other material issue
11 discovered by the guardian ad litem. The guardian ad litem
12 shall appear at the hearing and testify as to any issues
13 presented in his or her report.

14 (b) The court (1) may appoint counsel for the respondent,
15 if the court finds that the interests of the respondent will be
16 best served by the appointment, and (2) shall appoint counsel
17 upon respondent's request or if the respondent takes a position
18 adverse to that of the guardian ad litem. The respondent shall
19 be permitted to obtain the appointment of counsel either at the
20 hearing or by any written or oral request communicated to the
21 court prior to the hearing. The summons shall inform the
22 respondent of this right to obtain appointed counsel. The court
23 may allow counsel for the respondent reasonable compensation.

24 (c) If the respondent is unable to pay the fee of the
25 guardian ad litem or appointed counsel, or both, the court may
26 enter an order for the petitioner to pay all such fees or such

1 amounts as the respondent or the respondent's estate may be
2 unable to pay. However, in cases where the Office of State
3 Guardian is the petitioner, consistent with Section 30 of the
4 Guardianship and Advocacy Act, where the public guardian is the
5 petitioner, consistent with Section 13-5 of this Act, where an
6 adult protective services agency is the petitioner, pursuant to
7 Section 9 of the Adult Protective Services Act, or where the
8 Department of Children and Family Services is the petitioner
9 under subparagraph (d) of subsection (1) of Section 2-27 of the
10 Juvenile Court Act of 1987, no guardian ad litem or legal fees
11 shall be assessed against the Office of State Guardian, the
12 public guardian, the adult protective services agency, or the
13 Department of Children and Family Services.

14 (d) The hearing may be held at such convenient place as the
15 court directs, including at a facility in which the respondent
16 resides.

17 (e) Unless he is the petitioner, the respondent shall be
18 personally served with a copy of the petition and a summons not
19 less than 14 days before the hearing. The summons shall be
20 printed in large, bold type and shall include the following
21 notice:

22 NOTICE OF RIGHTS OF RESPONDENT

23 You have been named as a respondent in a guardianship
24 petition asking that you be declared a person with a
25 disability. If the court grants the petition, a guardian will
26 be appointed for you. A copy of the guardianship petition is

1 attached for your convenience.

2 The date and time of the hearing are:

3 The place where the hearing will occur is:

4 The Judge's name and phone number is:

5 If a guardian is appointed for you, the guardian may be
6 given the right to make all important personal decisions for
7 you, such as where you may live, what medical treatment you may
8 receive, what places you may visit, and who may visit you. A
9 guardian may also be given the right to control and manage your
10 money and other property, including your home, if you own one.
11 You may lose the right to make these decisions for yourself.

12 You have the following legal rights:

13 (1) You have the right to be present at the court
14 hearing.

15 (2) You have the right to be represented by a lawyer,
16 either one that you retain, or one appointed by the Judge.

17 (3) You have the right to ask for a jury of six persons
18 to hear your case.

19 (4) You have the right to present evidence to the court
20 and to confront and cross-examine witnesses.

21 (5) You have the right to ask the Judge to appoint an
22 independent expert to examine you and give an opinion about
23 your need for a guardian.

24 (6) You have the right to ask that the court hearing be
25 closed to the public.

26 (7) You have the right to tell the court whom you

1 prefer to have for your guardian.

2 You do not have to attend the court hearing if you do not
3 want to be there. If you do not attend, the Judge may appoint a
4 guardian if the Judge finds that a guardian would be of benefit
5 to you. The hearing will not be postponed or canceled if you do
6 not attend.

7 IT IS VERY IMPORTANT THAT YOU ATTEND THE HEARING IF YOU DO
8 NOT WANT A GUARDIAN OR IF YOU WANT SOMEONE OTHER THAN THE
9 PERSON NAMED IN THE GUARDIANSHIP PETITION TO BE YOUR GUARDIAN.
10 IF YOU DO NOT WANT A GUARDIAN OR ~~OF~~ IF YOU HAVE ANY OTHER
11 PROBLEMS, YOU SHOULD CONTACT AN ATTORNEY OR COME TO COURT AND
12 TELL THE JUDGE.

13 Service of summons and the petition may be made by a
14 private person 18 years of age or over who is not a party to the
15 action.

16 (f) Notice of the time and place of the hearing shall be
17 given by the petitioner by mail or in person to those persons,
18 including the proposed guardian, whose names and addresses
19 appear in the petition and who do not waive notice, not less
20 than 14 days before the hearing.

21 (Source: P.A. 98-49, eff. 7-1-13; 98-89, eff. 7-15-13; 98-756,
22 eff. 7-16-14; 99-143, eff. 7-27-15; 99-642, eff. 7-28-16;
23 revised 10-27-16.)

24 Section 725. The Uniform Real Property Electronic
25 Recording Act is amended by changing Section 5 as follows:

1 (765 ILCS 33/5)

2 Sec. 5. Administration and standards.

3 (a) To adopt standards to implement this Act, there is
4 established, within the Office of the Secretary of State, the
5 Illinois Electronic Recording Commission consisting of 17
6 commissioners as follows:

7 (1) The Secretary of State or the Secretary's designee
8 shall be a permanent commissioner.

9 (2) The Secretary of State shall appoint the following
10 additional 16 commissioners:

11 (A) Three who are from the land title profession.

12 (B) Three who are from lending institutions.

13 (C) One who is an attorney.

14 (D) Seven who are county recorders, no more than 4
15 of whom are from one political party, representative of
16 counties of varying size, geography, population, and
17 resources.

18 (E) Two who are licensed real estate brokers or
19 managing brokers under the Real Estate License Act of
20 2000.

21 (3) On August 27, 2007 (the effective date of this
22 Act), the Secretary of State or the Secretary's designee
23 shall become the Acting Chairperson of the Commission. The
24 Secretary shall appoint the initial commissioners within
25 60 days and hold the first meeting of the Commission within

1 120 days, notifying commissioners of the time and place of
2 the first meeting with at least 14 days' notice. At its
3 first meeting the Commission shall adopt, by a majority
4 vote, such rules and structure that it deems necessary to
5 govern its operations, including the title,
6 responsibilities, and election of officers. Once adopted,
7 the rules and structure may be altered or amended by the
8 Commission by majority vote. Upon the election of officers
9 and adoption of rules or bylaws, the duties of the Acting
10 Chairperson shall cease.

11 (4) The Commission shall meet at least once every year
12 within the State of Illinois. The time and place of
13 meetings to be determined by the Chairperson and approved
14 by a majority of the Commission.

15 (5) Nine commissioners shall constitute a quorum.

16 (6) Commissioners shall receive no compensation for
17 their services but may be reimbursed for reasonable
18 expenses at current rates in effect at the Office of the
19 Secretary of State, directly related to their duties as
20 commissioners and participation at Commission meetings or
21 while on business or at meetings which have been authorized
22 by the Commission.

23 (7) Appointed commissioners shall serve terms of 3
24 years, which shall expire on December 1st. Five of the
25 initially appointed commissioners, including at least 2
26 county recorders, shall serve terms of one year, 5 of the

1 initially appointed commissioners, including at least 2
2 county recorders, shall serve terms of 2 years, and 4 of
3 the initially appointed commissioners shall serve terms of
4 3 years, to be determined by lot. Of the commissioners
5 appointed under subparagraph (E) of paragraph (2) of this
6 subsection, one of the initially appointed commissioners
7 shall serve a term of 2 years and one of the initially
8 appointed commissioners shall serve a term of 3 years, to
9 be determined by lot. The calculation of the terms in
10 office of the initially appointed commissioners shall
11 begin on the first December 1st after the commissioners
12 have served at least 6 months in office.

13 (8) The Chairperson shall declare a commissioner's
14 office vacant immediately after receipt of a written
15 resignation, death, a recorder commissioner no longer
16 holding the public office, or under other circumstances
17 specified within the rules adopted by the Commission, which
18 shall also by rule specify how and by what deadlines a
19 replacement is to be appointed.

20 (b) (Blank).

21 (c) The Commission shall adopt and transmit to the
22 Secretary of State standards to implement this Act and shall be
23 the exclusive entity to set standards for counties to engage in
24 electronic recording in the State of Illinois.

25 (d) To keep the standards and practices of county recorders
26 in this State in harmony with the standards and practices of

1 recording offices in other jurisdictions that enact
2 substantially this Act and to keep the technology used by
3 county recorders in this State compatible with technology used
4 by recording offices in other jurisdictions that enact
5 substantially this Act, the Commission, so far as is consistent
6 with the purposes, policies, and provisions of this Act, in
7 adopting, amending, and repealing standards shall consider:

8 (1) standards and practices of other jurisdictions;

9 (2) the most recent standards promulgated by national
10 standard-setting bodies, such as the Property Records
11 Industry Association;

12 (3) the views of interested persons and governmental
13 officials and entities;

14 (4) the needs of counties of varying size, population,
15 and resources; and

16 (5) standards requiring adequate information security
17 protection to ensure that electronic documents are
18 accurate, authentic, adequately preserved, and resistant
19 to tampering.

20 (e) The Commission shall review the statutes related to
21 real property and the statutes related to recording real
22 property documents and shall recommend to the General Assembly
23 any changes in the statutes that the Commission deems necessary
24 or advisable.

25 (f) Funding. The Secretary of State may accept for the
26 Commission, for any of its purposes and functions, donations,

1 gifts, grants, and appropriations of money, equipment,
2 supplies, materials, and services from the federal government,
3 the State or any of its departments or agencies, a county or
4 municipality, or from any institution, person, firm, or
5 corporation. The Commission may authorize a fee payable by
6 counties engaged in electronic recording to fund its expenses.
7 Any fee shall be proportional based on county population or
8 number of documents recorded annually. On approval by a county
9 recorder of the form and amount, a county board may authorize
10 payment of any fee out of the special fund it has created to
11 fund document storage and electronic retrieval, as authorized
12 in Section 3-5018 of the Counties Code. Any funds received by
13 the Office of the Secretary of State for the Commission shall
14 be used entirely for expenses approved by and for the use of
15 the Commission.

16 (g) The Secretary of State shall provide administrative
17 support to the Commission, including the preparation of the
18 agenda and minutes for Commission meetings, distribution of
19 notices and proposed rules to commissioners, payment of bills
20 and reimbursement for expenses of commissioners.

21 (h) Standards and rules adopted by the Commission shall be
22 delivered to the Secretary of State. Within 60 days, the
23 Secretary shall either promulgate by rule the standards
24 adopted, amended, or repealed or return them to the Commission,
25 with findings, for changes. The Commission may override the
26 Secretary by a three-fifths vote, in which case the Secretary

1 shall publish the Commission's standards.

2 (Source: P.A. 99-662, eff. 1-1-17; revised 10-27-16.)

3 Section 730. The Common Interest Community Association Act
4 is amended by changing Section 1-90 as follows:

5 (765 ILCS 160/1-90)

6 (Section scheduled to be repealed on July 1, 2022)

7 Sec. 1-90. Compliance with the Condominium and Common
8 Interest Community Ombudsperson Act. Every common interest
9 community association, except for those exempt from this Act
10 under Section 1-75, must comply with the Condominium and Common
11 ~~Community~~ Interest Community Ombudsperson Act and is subject to
12 all provisions of the Condominium and Common ~~Community~~ Interest
13 Community Ombudsperson Act. This Section is repealed July 1,
14 2022.

15 (Source: P.A. 98-1135, eff. 1-1-17 (See Section 20 of P.A.
16 99-776 for effective date of P.A. 98-1135); 99-776, eff.
17 8-12-16; revised 10-27-16.)

18 Section 735. The Condominium Property Act is amended by
19 changing Section 27 as follows:

20 (765 ILCS 605/27) (from Ch. 30, par. 327)

21 Sec. 27. Amendments.

22 (a) If there is any unit owner other than the developer,

1 and unless otherwise provided in this Act, the condominium
2 instruments shall be amended only as follows:

3 (i) upon the affirmative vote of 2/3 of those voting or
4 upon the majority specified by the condominium
5 instruments, provided that in no event shall the
6 condominium instruments require more than a three-quarters
7 vote of all unit owners; and

8 (ii) with the approval of, or notice to, any mortgagees
9 or other lienholders of record, if required under the
10 provisions of the condominium instruments.

11 (b) (1) If there is an omission, error, or inconsistency in
12 a condominium instrument, such that a provision of a
13 condominium instrument does not conform to this Act or to
14 another applicable statute, the association may correct the
15 omission, error, or inconsistency to conform the condominium
16 instrument to this Act or to another applicable statute by an
17 amendment adopted by vote of two-thirds of the Board of
18 Managers, without a unit owner vote. A provision in a
19 condominium instrument requiring or allowing unit owners,
20 mortgagees, or other lienholders of record to vote to approve
21 an amendment to a condominium instrument, or for the mortgagees
22 or other lienholders of record to be given notice of an
23 amendment to a condominium instrument, is not applicable to an
24 amendment to the extent that the amendment corrects an
25 omission, error, or inconsistency to conform the condominium
26 instrument to this Act or to another applicable statute.

1 (2) If through a scrivener's error, a unit has not been
2 designated as owning an appropriate undivided share of the
3 common elements or does not bear an appropriate share of the
4 common expenses or that all the common expenses or all of the
5 common elements in the condominium have not been distributed in
6 the declaration, so that the sum total of the shares of common
7 elements which have been distributed or the sum total of the
8 shares of the common expenses fail to equal 100%, or if it
9 appears that more than 100% of the common elements or common
10 expenses have been distributed, the error may be corrected by
11 operation of law by filing an amendment to the declaration
12 approved by vote of two-thirds of the members of the Board of
13 Managers or a majority vote of the unit owners at a meeting
14 called for this purpose which proportionately adjusts all
15 percentage interests so that the total is equal to 100% unless
16 the condominium instruments specifically provide for a
17 different procedure or different percentage vote by the owners
18 of the units and the owners of mortgages thereon affected by
19 modification being made in the undivided interest in the common
20 elements, the number of votes in the unit owners association or
21 the liability for common expenses appertaining to the unit.

22 (3) If an omission or error or a scrivener's error in the
23 declaration, bylaws or other condominium instrument is
24 corrected by vote of two-thirds of the members of the Board of
25 Managers pursuant to the authority established in subsections
26 (b) (1) or (b) (2) of this Section ~~27 of this Act~~, the Board upon

1 written petition by unit owners with 20 percent of the votes of
2 the association filed within 30 days of the Board action shall
3 call a meeting of the unit owners within 30 days of the filing
4 of the petition to consider the Board action. Unless a majority
5 of the votes of the unit owners of the association are cast at
6 the meeting to reject the action, it is ratified whether or not
7 a quorum is present.

8 (4) The procedures for amendments set forth in this
9 subsection (b) cannot be used if such an amendment would
10 materially or adversely affect property rights of the unit
11 owners unless the affected unit owners consent in writing. This
12 Section does not restrict the powers of the association to
13 otherwise amend the declaration, bylaws, or other condominium
14 instruments, but authorizes a simple process of amendment
15 requiring a lesser vote for the purpose of correcting defects,
16 errors, or omissions when the property rights of the unit
17 owners are not materially or adversely affected.

18 (5) If there is an omission or error in the declaration,
19 bylaws, or other condominium instruments, which may not be
20 corrected by an amendment procedure set forth in paragraphs (1)
21 and (2) of this subsection (b) ~~of Section 27~~ in the declaration
22 then the Circuit Court in the County in which the condominium
23 is located shall have jurisdiction to hear a petition of one or
24 more of the unit owners thereon or of the association, to
25 correct the error or omission, and the action may be a class
26 action. The court may require that one or more methods of

1 correcting the error or omission be submitted to the unit
2 owners to determine the most acceptable correction. All unit
3 owners in the association must be joined as parties to the
4 action. Service of process on owners may be by publication, but
5 the plaintiff shall furnish all unit owners not personally
6 served with process with copies of the petition and final
7 judgment of the court by certified mail return receipt
8 requested, at their last known address.

9 (6) Nothing contained in this Section shall be construed to
10 invalidate any provision of a condominium instrument
11 authorizing the developer to amend a condominium instrument
12 prior to the latest date on which the initial membership
13 meeting of the unit owners must be held, whether or not ~~not~~ it
14 has actually been held, to bring the instrument into compliance
15 with the legal requirements of the Federal National Mortgage
16 Association, the Federal Home Loan Mortgage Corporation, the
17 Federal Housing Administration, the United States Veterans
18 Administration or their respective successors and assigns.

19 (Source: P.A. 98-282, eff. 1-1-14; 99-472, eff. 6-1-16; revised
20 9-1-16.)

21 Section 740. The Condominium and Common Interest Community
22 Ombudsperson Act is amended by changing Section 50 as follows:

23 (765 ILCS 615/50)

24 (Section scheduled to be repealed on July 1, 2022)

1 Sec. 50. Reports. ~~(a)~~ The Department shall submit an annual
2 written report on the activities of the Office to the General
3 Assembly. The Department shall submit the first report no later
4 than July 1, 2018. Beginning in 2019, the Department shall
5 submit the report no later than October 1 of each year. The
6 report shall include all of the following:

7 (1) annual workload and performance data, including
8 (i) the number of requests for information; (ii) training,
9 education, or other information provided; (iii) the manner
10 in which education and training was conducted; and (iv) the
11 staff time required to provide the training, education, or
12 other information. For each category of data, the report
13 shall provide subtotals based on the type of question or
14 dispute involved in the request; and

15 (2) where relevant information is available, analysis
16 of the most common and serious types of concerns within
17 condominiums and common interest communities, along with
18 any recommendations for statutory reform to reduce the
19 frequency or severity of those disputes.

20 (Source: P.A. 98-1135, eff. 1-1-17 (See Section 20 of P.A.
21 99-776 for effective date of P.A. 98-1135); 99-776, eff.
22 8-12-16; revised 10-25-16.)

23 Section 745. The Uniform Disposition of Unclaimed Property
24 Act is amended by changing Section 8.1 as follows:

1 (765 ILCS 1025/8.1) (from Ch. 141, par. 108.1)

2 Sec. 8.1. Property held by governments.

3 (a) All tangible personal property or intangible personal
4 property and all debts owed or entrusted funds or other
5 property held by any federal, state or local government or
6 governmental subdivision, agency, entity, officer or appointee
7 thereof, shall be presumed abandoned if the property has
8 remained unclaimed for 5 years, except as provided in
9 subsection (c).

10 (b) This Section applies to all abandoned property held by
11 any federal, state or local government or governmental
12 subdivision, agency, entity, officer or appointee thereof, on
13 September 3, 1991 (the effective date of Public Act 87-206)
14 ~~this amendatory Act of 1991~~ or at any time thereafter,
15 regardless of when the property became or becomes presumptively
16 abandoned.

17 (c) United States savings bonds.

18 (1) As used in this subsection, "United States savings
19 bond" means property, tangible or intangible, in the form
20 of a savings bond issued by the United States Treasury,
21 whether in paper, electronic, or paperless form, along with
22 all proceeds thereof in the possession of the State
23 Treasurer.

24 (2) Notwithstanding any provision of this Act to the
25 contrary, a United States savings bond subject to this
26 Section or held or owing in this State by any person shall

1 be presumed abandoned when such bond has remained unclaimed
2 and unredeemed for 5 years after its date of final extended
3 maturity.

4 (3) United States savings bonds that are presumed
5 abandoned and unclaimed under paragraph (2) shall escheat
6 to the State of Illinois and all property rights and legal
7 title to and ownership of the United States savings bonds,
8 or proceeds from the bonds, including all rights, powers,
9 and privileges of survivorship of any owner, co-owner, or
10 beneficiary, shall vest solely in the State according to
11 the procedure set forth in paragraphs (4) through (6).

12 (4) Within 180 days after a United States savings bond
13 has been presumed abandoned, in the absence of a claim
14 having been filed with the State Treasurer for the savings
15 bond, the State Treasurer shall commence a civil action in
16 the Circuit Court of Sangamon County for a determination
17 that the United States savings bond ~~bonds~~ has escheated to
18 the State. The State Treasurer may postpone the bringing of
19 the action until sufficient United States savings bonds
20 have accumulated in the State Treasurer's custody to
21 justify the expense of the proceedings.

22 (5) The State Treasurer shall make service by
23 publication in the civil action in accordance with Sections
24 2-206 and 2-207 of the Code of Civil Procedure, which shall
25 include the filing with the Circuit Court of Sangamon
26 County of the affidavit required in Section 2-206 of that

1 Code by an employee of the State Treasurer with personal
2 knowledge of the efforts made to contact the owners of
3 United States savings bonds presumed abandoned under this
4 Section. In addition to the diligent inquiries made
5 pursuant to Section 2-206 of the Code of Civil Procedure,
6 the State Treasurer may also utilize additional
7 discretionary means to attempt to provide notice to persons
8 who may own a United States savings bond registered to a
9 person with a last known address in the State of Illinois
10 subject to a civil action pursuant to paragraph (4).

11 (6) The owner of a United States savings bond
12 registered to a person with a last known address in the
13 State of Illinois subject to a civil action pursuant to
14 paragraph (4) may file a claim for such United States
15 savings bond with either the State Treasurer or by filing a
16 claim in the civil action in the Circuit Court of Sangamon
17 County in which the savings bond registered to that person
18 is at issue prior to the entry of a final judgment by the
19 Circuit Court pursuant to this subsection, and unless the
20 Circuit Court determines that such United States savings
21 bond is not owned by the claimant, then such United States
22 savings bond shall no longer be presumed abandoned. If no
23 person files a claim or appears at the hearing to
24 substantiate a disputed claim or if the court determines
25 that a claimant is not entitled to the property claimed by
26 the claimant, then the court, if satisfied by evidence that

1 the State Treasurer has substantially complied with the
2 laws of this State, shall enter a judgment that the United
3 States savings bonds have escheated to this State, and all
4 property rights and legal title to and ownership of such
5 United States savings bonds or proceeds from such bonds,
6 including all rights, powers, and privileges of
7 survivorship of any owner, co-owner, or beneficiary, shall
8 vest in this State.

9 (7) The State Treasurer shall redeem from the Bureau of
10 the Fiscal Service of the United States Treasury the United
11 States savings bonds escheated to the State and deposit the
12 proceeds from the redemption of United States savings bonds
13 into the Unclaimed Property Trust Fund.

14 (8) Any person making a claim for the United States
15 savings bonds escheated to the State under this subsection,
16 or for the proceeds from such bonds, may file a claim with
17 the State Treasurer. Upon providing sufficient proof of the
18 validity of such person's claim, the State Treasurer may,
19 in his or her sole discretion, pay such claim. If payment
20 has been made to any claimant, no action thereafter shall
21 be maintained by any other claimant against the State or
22 any officer thereof for or on account of such funds.

23 (Source: P.A. 99-556, eff. 1-1-17; 99-577, eff. 1-1-17; revised
24 9-15-16.)

25 Section 750. The Illinois Human Rights Act is amended by

1 changing Section 4-104 as follows:

2 (775 ILCS 5/4-104) (from Ch. 68, par. 4-104)

3 Sec. 4-104. Exemptions. ~~→~~ Nothing contained in this Article
4 shall prohibit:

5 (A) Sound Underwriting Practices. A financial
6 institution from considering sound underwriting practices
7 in contemplation of any loan to any person. Such practices
8 shall include:

9 (1) The willingness and the financial ability of
10 the borrower to repay the loan.

11 (2) The market value of any real estate or other
12 item of property proposed as security for any loan.

13 (3) Diversification of the financial institution's
14 investment portfolio.

15 (B) Credit-worthiness Information; Credit Systems. A
16 financial institution or a person who offers credit cards
17 from:

18 (1) making an inquiry of the applicant's age,
19 permanent residence, immigration status, or any
20 additional information if such inquiry is for the
21 purpose of determining the amount and probable
22 continuance of income levels, credit history, or other
23 pertinent element of credit-worthiness as provided in
24 regulations of the Department;

25 (2) using any empirically derived credit system

1 which considers age if such system is demonstrably and
2 statistically sound in accordance with regulations of
3 the Department, except that in the operation of such
4 system the age of an applicant over the age of 62 years
5 may not be assigned a negative factor or value.

6 (C) Special Credit Programs. A financial institution
7 from refusing to extend credit when required to by or
8 pursuant to any:

9 (1) credit assistance program expressly authorized
10 by law for an economically disadvantaged class of
11 persons;

12 (2) credit assistance program administered by a
13 nonprofit organization for its members of an
14 economically disadvantaged class of persons;

15 (3) special purpose credit program offered by a
16 profit-making organization to meet special social
17 needs which meets standards prescribed by the
18 Department in its regulations.

19 (Source: P.A. 81-1267; revised 9-1-16.)

20 Section 755. The Professional Service Corporation Act is
21 amended by changing Section 3.1 as follows:

22 (805 ILCS 10/3.1) (from Ch. 32, par. 415-3.1)

23 Sec. 3.1. "Ancillary personnel" means such persons ~~person~~
24 acting in their customary capacities, employed by those

1 rendering a professional service who:

2 (1) are ~~Are~~ not licensed to engage in the category of
3 professional service for which a professional corporation
4 was formed; and

5 (2) work ~~Work~~ at the direction or under the supervision
6 of those who are so licensed; and

7 (3) do ~~Do~~ not hold themselves out to the public
8 generally as being authorized to engage in the practice of
9 the profession for which the corporation is licensed; and

10 (4) are ~~Are~~ not prohibited by the regulating authority,
11 regulating the category of professional service rendered
12 by the corporation from being so employed and includes
13 clerks, secretaries, technicians and other assistants who
14 are not usually and ordinarily considered by custom and
15 practice to be rendering the professional services for
16 which the corporation was formed.

17 (Source: P.A. 99-227, eff. 8-3-15; revised 10-26-16.)

18 Section 760. The Medical Corporation Act is amended by
19 changing Section 18 as follows:

20 (805 ILCS 15/18) (from Ch. 32, par. 648)

21 Sec. 18. Illinois Administrative Procedure Act. The
22 Illinois Administrative Procedure Act is expressly adopted and
23 incorporated herein as if all of the provisions of that Act
24 were included in this Act, except that the provision of

1 subsection (d) of Section 10-65 of the Illinois Administrative
2 Procedure Act, which provides that at hearings the licensee has
3 the right to show compliance with all lawful requirements for
4 retention, or continuation or renewal of the license, is
5 specifically excluded. For the purposes of this Act the notice
6 required under Section 10-25 of the Illinois Administrative
7 Procedure Act is deemed sufficient when mailed to the last
8 known address of a party.

9 (Source: P.A. 88-45; revised 9-15-16.)

10 Section 765. The Uniform Commercial Code is amended by
11 changing Section 2-323 as follows:

12 (810 ILCS 5/2-323) (from Ch. 26, par. 2-323)

13 Sec. 2-323. Form of bill of lading required in overseas
14 shipment; "overseas".

15 (1) Where the contract contemplates overseas shipment and
16 contains a term C.I.F. or C. & F. or F.O.B. vessel, the seller
17 unless otherwise agreed must obtain a negotiable bill of lading
18 stating that the goods have been loaded on board or, in the
19 case of a term C.I.F. or C. & F., received for shipment.

20 (2) Where in a case within subsection (1) a tangible bill
21 of lading has been issued in a set of parts, unless otherwise
22 agreed if the documents are not to be sent from abroad the
23 buyer may demand tender of the full set; otherwise only one
24 part of the bill of lading need be tendered. Even if the

1 agreement expressly requires a full set:

2 (a) due tender of a single part is acceptable within
3 the provisions of this Article on cure of improper delivery
4 (subsection (1) of Section 2-508); and

5 (b) even though the full set is demanded, if the
6 documents are sent from abroad the person tendering an
7 incomplete set may nevertheless require payment upon
8 furnishing an indemnity which the buyer in good faith deems
9 adequate.

10 (3) A shipment by water or by air or a contract
11 contemplating such shipment is "overseas" insofar as by usage
12 of trade or agreement it is subject to the commercial,
13 financing or shipping practices characteristic of
14 international deep water commerce.

15 (Source: P.A. 95-895, eff. 1-1-09; revised 9-15-16.)

16 Section 770. The Illinois Securities Law of 1953 is amended
17 by changing Section 16 as follows:

18 (815 ILCS 5/16) (from Ch. 121 1/2, par. 137.16)

19 Sec. 16. Saving clauses. Notwithstanding any repeal
20 provisions of this Act, the provisions of the Act entitled "An
21 Act relating to the sale or other disposition of securities and
22 providing penalties for the violation thereof and to repeal
23 Acts in conflict therewith," approved June 10, 1919, as
24 amended, shall remain in force (1) for the prosecution and

1 punishment of any person who, before the effective date of this
2 Act, shall have violated any provision of said Act approved
3 June 10, 1919, as amended; (2) for carrying out the terms of
4 escrow agreements made pursuant to the provisions of said Act
5 approved June 10, 1919, as amended, and (3) for the retention,
6 enforcement and liquidation of deposits made with the Secretary
7 of State pursuant to the provisions of Section 6a of said Act
8 approved June 10, 1919, as amended, or of subsection E of
9 Section 6 of the ~~"The~~ Illinois Securities Law of 1953~~",~~
10 ~~approved July 13, 1953,~~ as amended and in effect prior to
11 January 1, 1986, which deposits, from and after January 1,
12 1986, shall be subject to the provisions of subsections G, H,
13 and I of Section 6 as if such deposits were made in respect of
14 face amount certificate contracts which were registered under
15 subsection B of Section 6 on or after January 1, 1986.

16 (Source: P.A. 84-1308; revised 10-26-16.)

17 Section 775. The Payday Loan Reform Act is amended by
18 changing Section 2-5 as follows:

19 (815 ILCS 122/2-5)

20 Sec. 2-5. Loan terms.

21 (a) Without affecting the right of a consumer to prepay at
22 any time without cost or penalty, no payday loan may have a
23 minimum term of less than 13 days.

24 (b) Except for an installment payday loan as defined in

1 this Section, no payday loan may be made to a consumer if the
2 loan would result in the consumer being indebted to one or more
3 payday lenders for a period in excess of 45 consecutive days.
4 Except as provided under subsection (c) of this Section and
5 Section 2-40, if a consumer has or has had loans outstanding
6 for a period in excess of 45 consecutive days, no payday lender
7 may offer or make a loan to the consumer for at least 7
8 calendar days after the date on which the outstanding balance
9 of all payday loans made during the 45 consecutive day period
10 is paid in full. For purposes of this subsection, the term
11 "consecutive days" means a series of continuous calendar days
12 in which the consumer has an outstanding balance on one or more
13 payday loans; however, if a payday loan is made to a consumer
14 within 6 days or less after the outstanding balance of all
15 loans is paid in full, those days are counted as "consecutive
16 days" for purposes of this subsection.

17 (c) Notwithstanding anything in this Act to the contrary, a
18 payday loan shall also include any installment loan otherwise
19 meeting the definition of payday loan contained in Section
20 1-10, but that has a term agreed by the parties of not less
21 than 112 days and not exceeding 180 days; hereinafter an
22 "installment payday loan". The following provisions shall
23 apply:

24 (i) Any installment payday loan must be fully
25 amortizing, with a finance charge calculated on the
26 principal balances scheduled to be outstanding and be

1 repayable in substantially equal and consecutive
2 installments, according to a payment schedule agreed by the
3 parties with not less than 13 days and not more than one
4 month between payments; except that the first installment
5 period may be longer than the remaining installment periods
6 by not more than 15 days, and the first installment payment
7 may be larger than the remaining installment payments by
8 the amount of finance charges applicable to the extra days.
9 In calculating finance charges under this subsection, when
10 the first installment period is longer than the remaining
11 installment periods, the amount of the finance charges
12 applicable to the extra days shall not be greater than
13 \$15.50 per \$100 of the original principal balance divided
14 by the number of days in a regularly scheduled installment
15 period and multiplied by the number of extra days
16 determined by subtracting the number of days in a regularly
17 scheduled installment period from the number of days in the
18 first installment period.

19 (ii) An installment payday loan may be refinanced by a
20 new installment payday loan one time during the term of the
21 initial loan; provided that the total duration of
22 indebtedness on the initial installment payday loan
23 combined with the total term of indebtedness of the new
24 loan refinancing that initial loan, shall not exceed 180
25 days. For purposes of this Act, a refinancing occurs when
26 an existing installment payday loan is paid from the

1 proceeds of a new installment payday loan.

2 (iii) In the event an installment payday loan is paid
3 in full prior to the date on which the last scheduled
4 installment payment before maturity is due, other than
5 through a refinancing, no licensee may offer or make a
6 payday loan to the consumer for at least 2 calendar days
7 thereafter.

8 (iv) No installment payday loan may be made to a
9 consumer if the loan would result in the consumer being
10 indebted to one or more payday lenders for a period in
11 excess of 180 consecutive days. The term "consecutive days"
12 does not include the date on which a consumer makes the
13 final installment payment.

14 (d) (Blank).

15 (e) No lender may make a payday loan to a consumer if the
16 total of all payday loan payments coming due within the first
17 calendar month of the loan, when combined with the payment
18 amount of all of the consumer's other outstanding payday loans
19 coming due within the same month, exceeds the lesser of:

20 (1) \$1,000; or

21 (2) in the case of one or more payday loans, 25% of the
22 consumer's gross monthly income; or

23 (3) in the case of one or more installment payday
24 loans, 22.5% of the consumer's gross monthly income; or

25 (4) in the case of a payday loan and an installment
26 payday loan, 22.5% of the consumer's gross monthly income.

1 No loan shall be made to a consumer who has an outstanding
2 balance on 2 payday loans, except that, for a period of 12
3 months after March 21, 2011 (the effective date of Public Act
4 96-936) ~~this amendatory Act of the 96th General Assembly,~~
5 consumers with an existing CILA loan may be issued an
6 installment loan issued under this Act from the company from
7 which their CILA loan was issued.

8 (e-5) Except as provided in subsection (c)(i), no lender
9 may charge more than \$15.50 per \$100 loaned on any payday loan,
10 or more than \$15.50 per \$100 on the initial principal balance
11 and on the principal balances scheduled to be outstanding
12 during any installment period on any installment payday loan.
13 Except for installment payday loans and except as provided in
14 Section 2-25, this charge is considered fully earned as of the
15 date on which the loan is made. For purposes of determining the
16 finance charge earned on an installment payday loan, the
17 disclosed annual percentage rate shall be applied to the
18 principal balances outstanding from time to time until the loan
19 is paid in full, or until the maturity date, whichever ~~which~~
20 ~~ever~~ occurs first. No finance charge may be imposed after the
21 final scheduled maturity date.

22 When any loan contract is paid in full, the licensee shall
23 refund any unearned finance charge. The unearned finance charge
24 that is refunded shall be calculated based on a method that is
25 at least as favorable to the consumer as the actuarial method,
26 as defined by the federal Truth in Lending Act. The sum of the

1 digits or rule of 78ths method of calculating prepaid interest
2 refunds is prohibited.

3 (f) A lender may not take or attempt to take an interest in
4 any of the consumer's personal property to secure a payday
5 loan.

6 (g) A consumer has the right to redeem a check or any other
7 item described in the definition of payday loan under Section
8 1-10 issued in connection with a payday loan from the lender
9 holding the check or other item at any time before the payday
10 loan becomes payable by paying the full amount of the check or
11 other item.

12 (Source: P.A. 96-936, eff. 3-21-11; 97-421, eff. 1-1-12;
13 revised 9-15-16.)

14 Section 780. The High Risk Home Loan Act is amended by
15 changing Section 10 as follows:

16 (815 ILCS 137/10)

17 Sec. 10. Definitions. As used in this Act:

18 "Approved credit counselor" means a credit counselor
19 approved by the Director of Financial Institutions.

20 "Bona fide discount points" means loan discount points that
21 are knowingly paid by the consumer for the purpose of reducing,
22 and that in fact result in a bona fide reduction of, the
23 interest rate or time price differential applicable to the
24 mortgage.

1 "Borrower" means a natural person who seeks or obtains a
2 high risk home loan.

3 "Commissioner" means the Commissioner of the Office of
4 Banks and Real Estate.

5 "Department" means the Department of Financial
6 Institutions.

7 "Director" means the Director of Financial Institutions.

8 "Good faith" means honesty in fact in the conduct or
9 transaction concerned.

10 "High risk home loan" means a consumer credit transaction,
11 other than a reverse mortgage, that is secured by the
12 consumer's principal dwelling if: (i) at the time of
13 origination, the annual percentage rate exceeds by more than 6
14 percentage points in the case of a first lien mortgage, or by
15 more than 8 percentage points in the case of a junior mortgage,
16 the average prime offer rate, as defined in Section
17 129C(b)(2)(B) of the federal Truth in Lending Act, for a
18 comparable transaction as of the date on which the interest
19 rate for the transaction is set, or if the dwelling is personal
20 property, then as provided under 15 U.S.C. 1602(bb), as
21 amended, and any corresponding regulation, as amended, (ii) the
22 loan documents permit the creditor to charge or collect
23 prepayment fees or penalties more than 36 months after the
24 transaction closing or such fees exceed, in the aggregate, more
25 than 2% of the amount prepaid, or (iii) the total points and
26 fees payable in connection with the transaction, other than

1 bona fide third-party charges not retained by the mortgage
2 originator, creditor, or an affiliate of the mortgage
3 originator or creditor, will exceed (1) 5% of the total loan
4 amount in the case of a transaction for \$20,000 (or such other
5 dollar amount as prescribed by federal regulation pursuant to
6 the federal Dodd-Frank Act) or more or (2) the lesser of 8% of
7 the total loan amount or \$1,000 (or such other dollar amount as
8 prescribed by federal regulation pursuant to the federal
9 Dodd-Frank Act) in the case of a transaction for less than
10 \$20,000 (or such other dollar amount as prescribed by federal
11 regulation pursuant to the federal Dodd-Frank Act), except
12 that, with respect to all transactions, bona fide loan discount
13 points may be excluded as provided for in Section 35 of this
14 Act. "High risk home loan" does not include a loan that is made
15 primarily for a business purpose unrelated to the residential
16 real property securing the loan or a consumer credit
17 transaction made by a natural person who provides seller
18 financing secured by a principal residence no more than 3 times
19 in a 12-month period, provided such consumer credit transaction
20 is not made by a person that has constructed or acted as a
21 contractor for the construction of the residence in the
22 ordinary course of business of such person.

23 "Lender" means a natural or artificial person who
24 transfers, deals in, offers, or makes a high risk home loan.
25 "Lender" includes, but is not limited to, creditors and brokers
26 who transfer, deal in, offer, or make high risk home loans.

1 "Lender" does not include purchasers, assignees, or subsequent
2 holders of high risk home loans.

3 "Office" means the Office of Banks and Real Estate.

4 "Points and fees" means all items considered to be points
5 and fees under 12 CFR 226.32 (2000, or as initially amended
6 pursuant to Section 1431 of the federal Dodd-Frank Act with no
7 subsequent amendments or editions included, whichever is
8 later); compensation paid directly or indirectly by a consumer
9 or creditor to a mortgage broker from any source, including a
10 broker that originates a loan in its own name in a table-funded
11 transaction, not otherwise included in 12 CFR 226.4; the
12 maximum prepayment fees and penalties that may be charged or
13 collected under the terms of the credit transaction; all
14 prepayment fees or penalties that are incurred by the consumer
15 if the loan refinances a previous loan made or currently held
16 by the same creditor or an affiliate of the creditor; and
17 premiums or other charges payable at or before closing or
18 financed directly or indirectly into the loan for any credit
19 life, credit disability, credit unemployment, credit property,
20 other accident, loss of income, life, or health insurance or
21 payments directly or indirectly for any debt cancellation or
22 suspension agreement or contract, except that insurance
23 premiums or debt cancellation or suspension fees calculated and
24 paid in full on a monthly basis shall not be considered
25 financed by the creditor. "Points and fees" does not include
26 any insurance premium provided by an agency of the federal

1 government or an agency of a state; any insurance premium paid
2 by the consumer after closing; and any amount of a premium,
3 charge, or fee that is not in excess of the amount payable
4 under policies in effect at the time of origination under
5 Section 203(c)(2)(A) of the National Housing Act (12 U.S.C.
6 1709(c)(2)(A)), provided that the premium, charge, or fee is
7 required to be refundable on a pro-rated basis and the refund
8 is automatically issued upon notification of the satisfaction
9 of the underlying mortgage loan.

10 "Prepayment penalty" and "prepayment fees or penalties"
11 mean: (i) for a closed-end credit transaction, a charge imposed
12 for paying all or part of the transaction's principal before
13 the date on which the principal is due, other than a waived,
14 bona fide third-party charge that the creditor imposes if the
15 consumer prepays all of the transaction's ~~transactions's~~
16 principal sooner than 36 months after consummation and (ii) for
17 an open-end credit plan, a charge imposed by the creditor if
18 the consumer terminates the open-end credit plan prior to the
19 end of its term, other than a waived, bona fide third-party
20 charge that the creditor imposes if the consumer terminates the
21 open-end credit plan sooner than 36 months after account
22 opening.

23 "Reasonable" means fair, proper, just, or prudent under the
24 circumstances.

25 "Servicer" means any entity chartered under the Illinois
26 Banking Act, the Savings Bank Act, the Illinois Credit Union

1 Act, or the Illinois Savings and Loan Act of 1985 and any
2 person or entity licensed under the Residential Mortgage
3 License Act of 1987, the Consumer Installment Loan Act, or the
4 Sales Finance Agency Act who is responsible for the collection
5 or remittance for, or has the right or obligation to collect or
6 remit for, any lender, note owner, or note holder or for a
7 licensee's own account, of payments, interest, principal, and
8 trust items (such as hazard insurance and taxes on a
9 residential mortgage loan) in accordance with the terms of the
10 residential mortgage loan, including loan payment follow-up,
11 delinquency loan follow-up, loan analysis, and any
12 notifications to the borrower that are necessary to enable the
13 borrower to keep the loan current and in good standing.

14 "Total loan amount" has the same meaning as that term is
15 given in 12 CFR 226.32 and shall be calculated in accordance
16 with the Federal Reserve Board's Official Staff Commentary to
17 that regulation.

18 (Source: P.A. 99-150, eff. 7-28-15; 99-288, eff. 8-5-15;
19 99-642, eff. 7-28-16; revised 10-27-16.)

20 Section 785. The Illinois Loan Brokers Act of 1995 is
21 amended by changing Section 15-80 as follows:

22 (815 ILCS 175/15-80)

23 Sec. 15-80. Persons exempt from registration and other
24 duties; burden of proof thereof.

1 (a) The following persons are exempt from the requirements
2 of Sections 15-10, 15-15, 15-20, 15-25, 15-30, 15-35, 15-40,
3 and 15-75 of this Act:

4 (1) Any attorney while engaging in the practice of law.

5 (2) Any certified public accountant licensed to
6 practice in Illinois, while engaged in practice as a
7 certified public accountant and whose service in relation
8 to procurement of a loan is incidental to his or her
9 practice.

10 (3) Any person licensed to engage in business as a real
11 estate broker or salesperson in Illinois while rendering
12 services in the ordinary course of a transaction in which a
13 license as a real estate broker or salesperson is required.

14 (4) Any dealer, salesperson or investment adviser
15 registered under the Illinois Securities Law of 1953, or an
16 investment advisor, representative, or any person who is
17 regularly engaged in the business of offering or selling
18 securities in a transaction exempted under subsection C, H,
19 M, R, Q, or S of Section 4 of the Illinois Securities Law
20 of 1953 or subsection G of Section 4 of the Illinois
21 Securities Law of 1953 provided that such person is
22 registered under the federal securities law.

23 (4.1) An associated person described in subdivision
24 (h) (2) of Section 15 of the Federal 1934 Act.

25 (4.2) An investment adviser registered pursuant to
26 Section 203 of the Federal 1940 Investment Advisers

1 ~~Advisers~~ Act.

2 (4.3) A person described in subdivision (a)(11) of
3 Section 202 of the Federal 1940 Investment Advisers
4 ~~Advisers~~ Act.

5 (5) Any person whose fee is wholly contingent on the
6 successful procurement of a loan from a third party and to
7 whom no fee, other than a bona fide third party fee, is
8 paid before the procurement.

9 (6) Any person who is a creditor, or proposed to be a
10 creditor, for any loan.

11 (7) (Blank).

12 (8) Any person regulated by the Department of Financial
13 Institutions or the Office of Banks and Real Estate, or any
14 insurance producer or company authorized to do business in
15 this State.

16 (b) As used in this Section, "bona fide third party fee"
17 includes fees for:

18 (1) Credit reports, appraisals and investigations.

19 (2) If the loan is to be secured by real property,
20 title examinations, an abstract of title, title insurance,
21 a property survey and similar purposes.

22 (c) As used in this Section, "successful procurement of a
23 loan" means that a binding commitment from a creditor to
24 advance money has been received and accepted by the borrower.

25 (d) The burden of proof of any exemption provided in this
26 Act shall be on the party claiming the exemption.

1 (Source: P.A. 90-70, eff. 7-8-97; 91-435, eff. 8-6-99; revised
2 9-15-16.)

3 Section 790. The Illinois Business Brokers Act of 1995 is
4 amended by changing Section 10-80 as follows:

5 (815 ILCS 307/10-80)

6 Sec. 10-80. Persons exempt from registration and other
7 duties under law; burden of proof thereof.

8 (a) The following persons are exempt from the requirements
9 of this Act:

10 (1) Any attorney who is licensed to practice in this
11 State, while engaged in the practice of law and whose
12 service in relation to the business broker transaction is
13 incidental to the attorney's practice.

14 (2) Any person licensed as a real estate broker or
15 salesperson under the Illinois Real Estate License Act of
16 2000 who is primarily engaged in business activities for
17 which a license is required under that Act and who, on an
18 incidental basis, acts as a business broker.

19 (3) Any dealer, salesperson, or investment adviser
20 registered pursuant to the Illinois Securities Law of 1953
21 or any investment adviser representative, or any person who
22 is regularly engaged in the business of offering or selling
23 securities in a transaction exempted under subsection C, H,
24 M, R, Q, or S of Section 4 of the Illinois Securities Law

1 of 1953 or subsection G of Section 4 of the Illinois
2 Securities Law of 1953 provided that such person is
3 registered pursuant to federal securities law.

4 (4) An associated person described in subdivision
5 (h) (2) of Section 15 of the Federal 1934 Act.

6 (5) An investment adviser registered pursuant to
7 Section 203 of the Federal 1940 Investment Advisers
8 ~~Advisers~~ Act.

9 (6) A person described in subdivision (a) (11) of
10 Section 202 of the Federal 1940 Investment Advisers
11 ~~Advisers~~ Act.

12 (7) Any person who is selling a business owned or
13 operated (in whole or in part) by that person in a one time
14 transaction.

15 (b) This Act shall not be deemed to apply in any manner,
16 directly or indirectly, to: (i) a State bank or national bank,
17 as those terms are defined in the Illinois Banking Act, or any
18 subsidiary of a State bank or national bank; (ii) a bank
19 holding company, as that term is defined in the Illinois Bank
20 Holding Company Act of 1957, or any subsidiary of a bank
21 holding company; (iii) a foreign banking corporation, as that
22 term is defined in the Foreign Banking Office Act, or any
23 subsidiary of a foreign banking corporation; (iv) a
24 representative office, as that term is defined in the Foreign
25 Bank Representative Office Act; (v) a corporate fiduciary, as
26 that term is defined in the Corporate Fiduciary Act, or any

1 subsidiary of a corporate fiduciary; (vi) a savings bank
2 organized under the Savings Bank Act, or a federal savings bank
3 organized under federal law, or any subsidiary of a savings
4 bank or federal savings bank; (vii) a savings bank holding
5 company organized under the Savings Bank Act, or any subsidiary
6 of a savings bank holding company; (viii) an association or
7 federal association, as those terms are defined in the Illinois
8 Savings and Loan Act of 1985, or any subsidiary of an
9 association or federal association; (ix) a foreign savings and
10 loan association or foreign savings bank subject to the
11 Illinois Savings and Loan Act of 1985, or any subsidiary of a
12 foreign savings and loan association or foreign savings bank;
13 or (x) a savings and loan association holding company, as that
14 term is defined in the Illinois Savings and Loan Act of 1985,
15 or any subsidiary of a savings and loan association holding
16 company.

17 (b-1) Any franchise seller as defined in the Federal Trade
18 Commission rule entitled Disclosure Requirements and
19 Prohibitions Concerning Franchising, 16 C.F.R. Part 436, as it
20 may be amended, is exempt from the requirements of this Act.

21 (b-2) Any certified public accountant licensed to practice
22 in Illinois, while engaged in the practice as a certified
23 public accountant and whose service in relation to the business
24 broker transaction is incidental to his or her practice, is
25 exempt from the requirements of this Act.

26 (b-3) Any publisher, or regular employee of such publisher,

1 of a bona fide newspaper or news magazine of regular and
2 established paid circulation who, in the routine course of
3 selling advertising, advertises businesses for sale and in
4 which no other related services are provided is exempt from the
5 requirements of this Act.

6 (c) The burden of proof of any exemption or classification
7 provided in this Act shall be on the party claiming the
8 exemption or classification.

9 (Source: P.A. 96-648, eff. 10-1-09; revised 9-15-16.)

10 Section 800. The Personal Information Protection Act is
11 amended by changing Section 10 as follows:

12 (815 ILCS 530/10)

13 Sec. 10. Notice of breach.

14 (a) Any data collector that owns or licenses personal
15 information concerning an Illinois resident shall notify the
16 resident at no charge that there has been a breach of the
17 security of the system data following discovery or notification
18 of the breach. The disclosure notification shall be made in the
19 most expedient time possible and without unreasonable delay,
20 consistent with any measures necessary to determine the scope
21 of the breach and restore the reasonable integrity, security,
22 and confidentiality of the data system. The disclosure
23 notification to an Illinois resident shall include, but need
24 not be limited to, information as follows:

1 (1) With respect to personal information as defined in
2 Section 5 in paragraph (1) of the definition of "personal
3 information":

4 (A) the toll-free numbers and addresses for
5 consumer reporting agencies;

6 (B) the toll-free number, address, and website
7 address for the Federal Trade Commission; and

8 (C) a statement that the individual can obtain
9 information from these sources about fraud alerts and
10 security freezes.

11 ~~The notification shall not, however, include~~
12 ~~information concerning the number of Illinois residents~~
13 ~~affected by the breach.~~

14 (2) With respect to personal information defined in
15 Section 5 in paragraph (2) of the definition of "personal
16 information", notice may be provided in electronic or other
17 form directing the Illinois resident whose personal
18 information has been breached to promptly change his or her
19 user name or password and security question or answer, as
20 applicable, or to take other steps appropriate to protect
21 all online accounts for which the resident uses the same
22 user name or email address and password or security
23 question and answer.

24 The notification shall not, however, include information
25 concerning the number of Illinois residents affected by the
26 breach.

1 (b) Any data collector that maintains or stores, but does
2 not own or license, computerized data that includes personal
3 information that the data collector does not own or license
4 shall notify the owner or licensee of the information of any
5 breach of the security of the data immediately following
6 discovery, if the personal information was, or is reasonably
7 believed to have been, acquired by an unauthorized person. In
8 addition to providing such notification to the owner or
9 licensee, the data collector shall cooperate with the owner or
10 licensee in matters relating to the breach. That cooperation
11 shall include, but need not be limited to, (i) informing the
12 owner or licensee of the breach, including giving notice of the
13 date or approximate date of the breach and the nature of the
14 breach, and (ii) informing the owner or licensee of any steps
15 the data collector has taken or plans to take relating to the
16 breach. The data collector's cooperation shall not, however, be
17 deemed to require either the disclosure of confidential
18 business information or trade secrets or the notification of an
19 Illinois resident who may have been affected by the breach.

20 (b-5) The notification to an Illinois resident required by
21 subsection (a) of this Section may be delayed if an appropriate
22 law enforcement agency determines that notification will
23 interfere with a criminal investigation and provides the data
24 collector with a written request for the delay. However, the
25 data collector must notify the Illinois resident as soon as
26 notification will no longer interfere with the investigation.

1 (c) For purposes of this Section, notice to consumers may
2 be provided by one of the following methods:

3 (1) written notice;

4 (2) electronic notice, if the notice provided is
5 consistent with the provisions regarding electronic
6 records and signatures for notices legally required to be
7 in writing as set forth in Section 7001 of Title 15 of the
8 United States Code; or

9 (3) substitute notice, if the data collector
10 demonstrates that the cost of providing notice would exceed
11 \$250,000 or that the affected class of subject persons to
12 be notified exceeds 500,000, or the data collector does not
13 have sufficient contact information. Substitute notice
14 shall consist of all of the following: (i) email notice if
15 the data collector has an email address for the subject
16 persons; (ii) conspicuous posting of the notice on the data
17 collector's web site page if the data collector maintains
18 one; and (iii) notification to major statewide media or, if
19 the breach impacts residents in one geographic area, to
20 prominent local media in areas where affected individuals
21 are likely to reside if such notice is reasonably
22 calculated to give actual notice to persons whom notice is
23 required.

24 (d) Notwithstanding any other subsection in this Section, a
25 data collector that maintains its own notification procedures
26 as part of an information security policy for the treatment of

1 personal information and is otherwise consistent with the
2 timing requirements of this Act, shall be deemed in compliance
3 with the notification requirements of this Section if the data
4 collector notifies subject persons in accordance with its
5 policies in the event of a breach of the security of the system
6 data.

7 (Source: P.A. 99-503, eff. 1-1-17; revised 9-15-16.)

8 Section 805. The Business Opportunity Sales Law of 1995 is
9 amended by changing Section 5-15 as follows:

10 (815 ILCS 602/5-15)

11 Sec. 5-15. Denial or revocation of exemptions.

12 (a) The Secretary of State may by order deny or revoke any
13 exemption specified in Section 5-10 of this Law with respect to
14 a particular offering of one or more business opportunities. No
15 such order may be entered without appropriate prior notice to
16 all interested parties, opportunity for hearing, and written
17 findings of fact and conclusions of law.

18 (b) If the public interest or the protection of purchasers
19 so requires, the Secretary of State may by summary order deny
20 or revoke any of the specified exemptions pending final
21 determination of any proceedings under this Section. Upon the
22 entry of the order, the Secretary of State shall promptly
23 notify all interested parties that it has been entered and of
24 the reasons therefor and that the matter will be set for

1 hearing upon written request filed with the Secretary of State
2 within 30 days after the receipt of the request by the
3 respondent. If no hearing is requested and none is ordered by
4 the Secretary of State, the order will remain in effect until
5 it is modified or vacated by the Secretary of State. If a
6 hearing is requested and none is ordered by the Secretary of
7 State, the order will remain in effect until it is modified or
8 vacated by the Secretary of State. If a hearing is requested or
9 ordered, the Secretary of State, after notice of an opportunity
10 for hearing to all interested persons, may modify or vacate the
11 order or extend it until final determination.

12 (c) No order under this Section may operate retroactively.

13 (d) No person may be considered to have violated Section
14 5-25 by reason of any offer or sale effected after the entry of
15 an order under paragraph (1) of Section 5-65 of this Law if he
16 or she sustains the burden of proof that he or she did not
17 know, and in the exercise of reasonable care could not have
18 known, of the order.

19 (e) Notwithstanding any provision to the contrary, this Law
20 shall not apply to (i) any dealer, salesperson, or investment
21 adviser registered under the Illinois Securities Law of 1953 or
22 any investment adviser representative, or any person who is
23 regularly engaged in the business of offering or selling
24 securities in a transaction exempted under subsection C, H, M,
25 R, Q, or S of Section 4 of the Illinois Securities Law of 1953
26 or subsection G of Section 4 of the Illinois Securities Law of

1 1953 provided that such person is registered under the federal
2 securities law, (ii) an associated person described in
3 subdivision (h) (2) of Section 15 of the Federal 1934 Act, (iii)
4 an investment adviser registered under Section 203 of the
5 Federal 1940 Investment Advisers ~~Advisors~~ Act, or (iv) a person
6 described in subdivision (a) (11) of Section 202 of the Federal
7 1940 Investment Advisers ~~Advisors~~ Act.

8 (f) This Law shall not be deemed to apply in any manner,
9 directly or indirectly, to: (i) a State bank or national bank,
10 as those terms are defined in the Illinois Banking Act, or any
11 subsidiary of a State bank or national bank; (ii) a bank
12 holding company, as that term is defined in the Illinois Bank
13 Holding Company Act of 1957, or any subsidiary of a bank
14 holding company; (iii) a foreign banking corporation, as that
15 term is defined in the Foreign Banking Office Act, or any
16 subsidiary of a foreign banking corporation; (iv) a
17 representative office, as that term is defined in the Foreign
18 Bank Representative Office Act, (v) a corporate fiduciary, as
19 that term is defined in the Corporate Fiduciary Act, or any
20 subsidiary of a corporate fiduciary; (vi) a savings bank
21 organized under the Savings Bank Act, or a federal savings bank
22 organized under federal law, or any subsidiary of a savings
23 bank or federal savings bank; (vii) a savings bank holding
24 company organized under the Savings Bank Act, or any subsidiary
25 of a savings bank holding company; (viii) an association or
26 federal association, as those terms are defined in the Illinois

1 Savings and Loan Act of 1985, or any subsidiary of an
2 association or federal association; (ix) a foreign savings and
3 loan association or foreign savings bank subject to the
4 Illinois Savings and Loan Act of 1985, or any subsidiary of a
5 foreign savings and loan association or foreign savings bank;
6 or (x) a savings and loan association holding company, as that
7 term is defined in the Illinois Savings and Loan Act of 1985,
8 or any subsidiary of a savings and loan association holding
9 company.

10 (Source: P.A. 89-209, eff. 1-1-96; 90-70, eff. 7-8-97; revised
11 9-15-16.)

12 Section 810. The Contractor Prompt Payment Act is amended
13 by changing Section 10 as follows:

14 (815 ILCS 603/10)

15 Sec. 10. Construction contracts. All construction
16 contracts shall be deemed to provide the following:

17 (1) If a contractor has performed in accordance with
18 the provisions of a construction contract and the payment
19 application has been approved by the owner or the owner's
20 agent, the owner shall pay the amount due to the contractor
21 pursuant to the payment application not more than 15
22 calendar days after the approval. The payment application
23 shall be deemed approved 25 days after the owner receives
24 it unless the owner provides, before the end of the 25-day

1 period, a written statement of the amount withheld and the
2 reason for withholding payment. If the owner finds that a
3 portion of the work is not in accordance with the contract,
4 payment may be withheld for the reasonable value of that
5 portion only. Payment shall be made for any portion of the
6 contract for which the work has been performed in
7 accordance with the provisions of the contract.
8 Instructions or notification from an owner to his or her
9 lender or architect to process or pay a payment application
10 does not constitute approval of the payment application
11 under this Act.

12 (2) If a subcontractor has performed in accordance with
13 the provisions of his or her contract with the contractor
14 or subcontractor and the work has been accepted by the
15 owner, the owner's agent, or the contractor, the contractor
16 shall pay to his or her subcontractor and the subcontractor
17 shall pay to his or her subcontractor, within 15 calendar
18 days of the contractor's receipt from the owner or the
19 subcontractor's receipt from the contractor of each
20 periodic payment, final payment, or receipt of retainage
21 monies, the full amount received for the work of the
22 subcontractor based on the work completed or the services
23 rendered under the construction contract.

24 (Source: P.A. 95-567, eff. 8-31-07; revised 9-15-16.)

25 Section 815. The Motor Vehicle Franchise Act is amended by

1 changing Section 4 as follows:

2 (815 ILCS 710/4) (from Ch. 121 1/2, par. 754)

3 Sec. 4. Unfair competition and practices.

4 (a) The unfair methods of competition and unfair and
5 deceptive acts or practices listed in this Section are hereby
6 declared to be unlawful. In construing the provisions of this
7 Section, the courts may be guided by the interpretations of the
8 Federal Trade Commission Act (15 U.S.C. 45 et seq.), as from
9 time to time amended.

10 (b) It shall be deemed a violation for any manufacturer,
11 factory branch, factory representative, distributor or
12 wholesaler, distributor branch, distributor representative or
13 motor vehicle dealer to engage in any action with respect to a
14 franchise which is arbitrary, in bad faith or unconscionable
15 and which causes damage to any of the parties or to the public.

16 (c) It shall be deemed a violation for a manufacturer, a
17 distributor, a wholesaler, a distributor branch or division, a
18 factory branch or division, or a wholesale branch or division,
19 or officer, agent or other representative thereof, to coerce,
20 or attempt to coerce, any motor vehicle dealer:

21 (1) to accept, buy or order any motor vehicle or
22 vehicles, appliances, equipment, parts or accessories
23 therefor, or any other commodity or commodities or service
24 or services which such motor vehicle dealer has not
25 voluntarily ordered or requested except items required by

1 applicable local, state or federal law; or to require a
2 motor vehicle dealer to accept, buy, order or purchase such
3 items in order to obtain any motor vehicle or vehicles or
4 any other commodity or commodities which have been ordered
5 or requested by such motor vehicle dealer;

6 (2) to order or accept delivery of any motor vehicle
7 with special features, appliances, accessories or
8 equipment not included in the list price of the motor
9 vehicles as publicly advertised by the manufacturer
10 thereof, except items required by applicable law; or

11 (3) to order for anyone any parts, accessories,
12 equipment, machinery, tools, appliances or any commodity
13 whatsoever, except items required by applicable law.

14 (d) It shall be deemed a violation for a manufacturer, a
15 distributor, a wholesaler, a distributor branch or division, or
16 officer, agent or other representative thereof:

17 (1) to adopt, change, establish or implement a plan or
18 system for the allocation and distribution of new motor
19 vehicles to motor vehicle dealers which is arbitrary or
20 capricious or to modify an existing plan so as to cause the
21 same to be arbitrary or capricious;

22 (2) to fail or refuse to advise or disclose to any
23 motor vehicle dealer having a franchise or selling
24 agreement, upon written request therefor, the basis upon
25 which new motor vehicles of the same line make are
26 allocated or distributed to motor vehicle dealers in the

1 State and the basis upon which the current allocation or
2 distribution is being made or will be made to such motor
3 vehicle dealer;

4 (3) to refuse to deliver in reasonable quantities and
5 within a reasonable time after receipt of dealer's order,
6 to any motor vehicle dealer having a franchise or selling
7 agreement for the retail sale of new motor vehicles sold or
8 distributed by such manufacturer, distributor, wholesaler,
9 distributor branch or division, factory branch or division
10 or wholesale branch or division, any such motor vehicles as
11 are covered by such franchise or selling agreement
12 specifically publicly advertised in the State by such
13 manufacturer, distributor, wholesaler, distributor branch
14 or division, factory branch or division, or wholesale
15 branch or division to be available for immediate delivery.
16 However, the failure to deliver any motor vehicle shall not
17 be considered a violation of this Act if such failure is
18 due to an act of God, a work stoppage or delay due to a
19 strike or labor difficulty, a shortage of materials, a lack
20 of manufacturing capacity, a freight embargo or other cause
21 over which the manufacturer, distributor, or wholesaler,
22 or any agent thereof has no control;

23 (4) to coerce, or attempt to coerce, any motor vehicle
24 dealer to enter into any agreement with such manufacturer,
25 distributor, wholesaler, distributor branch or division,
26 factory branch or division, or wholesale branch or

1 division, or officer, agent or other representative
2 thereof, or to do any other act prejudicial to the dealer
3 by threatening to reduce his allocation of motor vehicles
4 or cancel any franchise or any selling agreement existing
5 between such manufacturer, distributor, wholesaler,
6 distributor branch or division, or factory branch or
7 division, or wholesale branch or division, and the dealer.
8 However, notice in good faith to any motor vehicle dealer
9 of the dealer's violation of any terms or provisions of
10 such franchise or selling agreement or of any law or
11 regulation applicable to the conduct of a motor vehicle
12 dealer shall not constitute a violation of this Act;

13 (5) to require a franchisee to participate in an
14 advertising campaign or contest or any promotional
15 campaign, or to purchase or lease any promotional
16 materials, training materials, show room or other display
17 decorations or materials at the expense of the franchisee;

18 (6) to cancel or terminate the franchise or selling
19 agreement of a motor vehicle dealer without good cause and
20 without giving notice as hereinafter provided; to fail or
21 refuse to extend the franchise or selling agreement of a
22 motor vehicle dealer upon its expiration without good cause
23 and without giving notice as hereinafter provided; or, to
24 offer a renewal, replacement or succeeding franchise or
25 selling agreement containing terms and provisions the
26 effect of which is to substantially change or modify the

1 sales and service obligations or capital requirements of
2 the motor vehicle dealer arbitrarily and without good cause
3 and without giving notice as hereinafter provided
4 notwithstanding any term or provision of a franchise or
5 selling agreement.

6 (A) If a manufacturer, distributor, wholesaler,
7 distributor branch or division, factory branch or
8 division or wholesale branch or division intends to
9 cancel or terminate a franchise or selling agreement or
10 intends not to extend or renew a franchise or selling
11 agreement on its expiration, it shall send a letter by
12 certified mail, return receipt requested, to the
13 affected franchisee at least 60 days before the
14 effective date of the proposed action, or not later
15 than 10 days before the proposed action when the reason
16 for the action is based upon either of the following:

17 (i) the business operations of the franchisee
18 have been abandoned or the franchisee has failed to
19 conduct customary sales and service operations
20 during customary business hours for at least 7
21 consecutive business days unless such closing is
22 due to an act of God, strike or labor difficulty or
23 other cause over which the franchisee has no
24 control; or

25 (ii) the conviction of or plea of nolo
26 contendere by the motor vehicle dealer or any

1 operator thereof in a court of competent
2 jurisdiction to an offense punishable by
3 imprisonment for more than two years.

4 Each notice of proposed action shall include a
5 detailed statement setting forth the specific grounds
6 for the proposed cancellation, termination, or refusal
7 to extend or renew and shall state that the dealer has
8 only 30 days from receipt of the notice to file with
9 the Motor Vehicle Review Board a written protest
10 against the proposed action.

11 (B) If a manufacturer, distributor, wholesaler,
12 distributor branch or division, factory branch or
13 division or wholesale branch or division intends to
14 change substantially or modify the sales and service
15 obligations or capital requirements of a motor vehicle
16 dealer as a condition to extending or renewing the
17 existing franchise or selling agreement of such motor
18 vehicle dealer, it shall send a letter by certified
19 mail, return receipt requested, to the affected
20 franchisee at least 60 days before the date of
21 expiration of the franchise or selling agreement. Each
22 notice of proposed action shall include a detailed
23 statement setting forth the specific grounds for the
24 proposed action and shall state that the dealer has
25 only 30 days from receipt of the notice to file with
26 the Motor Vehicle Review Board a written protest

1 against the proposed action.

2 (C) Within 30 days from receipt of the notice under
3 subparagraphs (A) and (B), the franchisee may file with
4 the Board a written protest against the proposed
5 action.

6 When the protest has been timely filed, the Board
7 shall enter an order, fixing a date (within 60 days of
8 the date of the order), time, and place of a hearing on
9 the protest required under Sections 12 and 29 of this
10 Act, and send by certified mail, return receipt
11 requested, a copy of the order to the manufacturer that
12 filed the notice of intention of the proposed action
13 and to the protesting dealer or franchisee.

14 The manufacturer shall have the burden of proof to
15 establish that good cause exists to cancel or
16 terminate, or fail to extend or renew the franchise or
17 selling agreement of a motor vehicle dealer or
18 franchisee, and to change substantially or modify the
19 sales and service obligations or capital requirements
20 of a motor vehicle dealer as a condition to extending
21 or renewing the existing franchise or selling
22 agreement. The determination whether good cause exists
23 to cancel, terminate, or refuse to renew or extend the
24 franchise or selling agreement, or to change or modify
25 the obligations of the dealer as a condition to offer
26 renewal, replacement, or succession shall be made by

1 the Board under subsection (d) of Section 12 of this
2 Act.

3 (D) Notwithstanding the terms, conditions, or
4 provisions of a franchise or selling agreement, the
5 following shall not constitute good cause for
6 cancelling or terminating or failing to extend or renew
7 the franchise or selling agreement: (i) the change of
8 ownership or executive management of the franchisee's
9 dealership; or (ii) the fact that the franchisee or
10 owner of an interest in the franchise owns, has an
11 investment in, participates in the management of, or
12 holds a license for the sale of the same or any other
13 line make of new motor vehicles.

14 (E) The manufacturer may not cancel or terminate,
15 or fail to extend or renew a franchise or selling
16 agreement or change or modify the obligations of the
17 franchisee as a condition to offering a renewal,
18 replacement, or succeeding franchise or selling
19 agreement before the hearing process is concluded as
20 prescribed by this Act, and thereafter, if the Board
21 determines that the manufacturer has failed to meet its
22 burden of proof and that good cause does not exist to
23 allow the proposed action;

24 (7) notwithstanding the terms of any franchise
25 agreement, to fail to indemnify and hold harmless its
26 franchised dealers against any judgment or settlement for

1 damages, including, but not limited to, court costs, expert
2 witness fees, reasonable attorneys' fees of the new motor
3 vehicle dealer, and other expenses incurred in the
4 litigation, so long as such fees and costs are reasonable,
5 arising out of complaints, claims or lawsuits including,
6 but not limited to, strict liability, negligence,
7 misrepresentation, warranty (express or implied), or
8 rescission ~~recission~~ of the sale as defined in Section 2-608
9 of the Uniform Commercial Code, to the extent that the
10 judgment or settlement relates to the alleged defective or
11 negligent manufacture, assembly or design of new motor
12 vehicles, parts or accessories or other functions by the
13 manufacturer, beyond the control of the dealer; provided
14 that, in order to provide an adequate defense, the
15 manufacturer receives notice of the filing of a complaint,
16 claim, or lawsuit within 60 days after the filing;

17 (8) to require or otherwise coerce a motor vehicle
18 dealer to underutilize the motor vehicle dealer's
19 facilities by requiring or otherwise coercing the motor
20 vehicle dealer to exclude or remove from the motor vehicle
21 dealer's facilities operations for selling or servicing of
22 any vehicles for which the motor vehicle dealer has a
23 franchise agreement with another manufacturer,
24 distributor, wholesaler, distribution branch or division,
25 or officer, agent, or other representative thereof;
26 provided, however, that, in light of all existing

1 circumstances, (i) the motor vehicle dealer maintains a
2 reasonable line of credit for each make or line of new
3 motor vehicle, (ii) the new motor vehicle dealer remains in
4 compliance with any reasonable facilities requirements of
5 the manufacturer, (iii) no change is made in the principal
6 management of the new motor vehicle dealer, and (iv) the
7 addition of the make or line of new motor vehicles would be
8 reasonable. The reasonable facilities requirement set
9 forth in item (ii) of subsection (d)(8) shall not include
10 any requirement that a franchisee establish or maintain
11 exclusive facilities, personnel, or display space. Any
12 decision by a motor vehicle dealer to sell additional makes
13 or lines at the motor vehicle dealer's facility shall be
14 presumed to be reasonable, and the manufacturer shall have
15 the burden to overcome that presumption. A motor vehicle
16 dealer must provide a written notification of its intent to
17 add a make or line of new motor vehicles to the
18 manufacturer. If the manufacturer does not respond to the
19 motor vehicle dealer, in writing, objecting to the addition
20 of the make or line within 60 days after the date that the
21 motor vehicle dealer sends the written notification, then
22 the manufacturer shall be deemed to have approved the
23 addition of the make or line; or

24 (9) to use or consider the performance of a motor
25 vehicle dealer relating to the sale of the manufacturer's,
26 distributor's, or wholesaler's vehicles or the motor

1 vehicle dealer's ability to satisfy any minimum sales or
2 market share quota or responsibility relating to the sale
3 of the manufacturer's, distributor's, or wholesaler's new
4 vehicles in determining:

5 (A) the motor vehicle dealer's eligibility to
6 purchase program, certified, or other used motor
7 vehicles from the manufacturer, distributor, or
8 wholesaler;

9 (B) the volume, type, or model of program,
10 certified, or other used motor vehicles that a motor
11 vehicle dealer is eligible to purchase from the
12 manufacturer, distributor, or wholesaler;

13 (C) the price of any program, certified, or other
14 used motor vehicle that the dealer is eligible to
15 purchase from the manufacturer, distributor, or
16 wholesaler; or

17 (D) the availability or amount of any discount,
18 credit, rebate, or sales incentive that the dealer is
19 eligible to receive from the manufacturer,
20 distributor, or wholesaler for the purchase of any
21 program, certified, or other used motor vehicle
22 offered for sale by the manufacturer, distributor, or
23 wholesaler.

24 (e) It shall be deemed a violation for a manufacturer, a
25 distributor, a wholesaler, a distributor branch or division or
26 officer, agent or other representative thereof:

1 (1) to resort to or use any false or misleading
2 advertisement in connection with his business as such
3 manufacturer, distributor, wholesaler, distributor branch
4 or division or officer, agent or other representative
5 thereof;

6 (2) to offer to sell or lease, or to sell or lease, any
7 new motor vehicle to any motor vehicle dealer at a lower
8 actual price therefor than the actual price offered to any
9 other motor vehicle dealer for the same model vehicle
10 similarly equipped or to utilize any device including, but
11 not limited to, sales promotion plans or programs which
12 result in such lesser actual price or fail to make
13 available to any motor vehicle dealer any preferential
14 pricing, incentive, rebate, finance rate, or low interest
15 loan program offered to competing motor vehicle dealers in
16 other contiguous states. However, the provisions of this
17 paragraph shall not apply to sales to a motor vehicle
18 dealer for resale to any unit of the United States
19 Government, the State or any of its political subdivisions;

20 (3) to offer to sell or lease, or to sell or lease, any
21 new motor vehicle to any person, except a wholesaler,
22 distributor or manufacturer's employees at a lower actual
23 price therefor than the actual price offered and charged to
24 a motor vehicle dealer for the same model vehicle similarly
25 equipped or to utilize any device which results in such
26 lesser actual price. However, the provisions of this

1 paragraph shall not apply to sales to a motor vehicle
2 dealer for resale to any unit of the United States
3 Government, the State or any of its political subdivisions;

4 (4) to prevent or attempt to prevent by contract or
5 otherwise any motor vehicle dealer or franchisee from
6 changing the executive management control of the motor
7 vehicle dealer or franchisee unless the franchiser, having
8 the burden of proof, proves that such change of executive
9 management will result in executive management control by a
10 person or persons who are not of good moral character or
11 who do not meet the franchiser's existing and, with
12 consideration given to the volume of sales and service of
13 the dealership, uniformly applied minimum business
14 experience standards in the market area. However where the
15 manufacturer rejects a proposed change in executive
16 management control, the manufacturer shall give written
17 notice of his reasons to the dealer within 60 days of
18 notice to the manufacturer by the dealer of the proposed
19 change. If the manufacturer does not send a letter to the
20 franchisee by certified mail, return receipt requested,
21 within 60 days from receipt by the manufacturer of the
22 proposed change, then the change of the executive
23 management control of the franchisee shall be deemed
24 accepted as proposed by the franchisee, and the
25 manufacturer shall give immediate effect to such change;

26 (5) to prevent or attempt to prevent by contract or

1 otherwise any motor vehicle dealer from establishing or
2 changing the capital structure of his dealership or the
3 means by or through which he finances the operation
4 thereof; provided the dealer meets any reasonable capital
5 standards agreed to between the dealer and the
6 manufacturer, distributor or wholesaler, who may require
7 that the sources, method and manner by which the dealer
8 finances or intends to finance its operation, equipment or
9 facilities be fully disclosed;

10 (6) to refuse to give effect to or prevent or attempt
11 to prevent by contract or otherwise any motor vehicle
12 dealer or any officer, partner or stockholder of any motor
13 vehicle dealer from selling or transferring any part of the
14 interest of any of them to any other person or persons or
15 party or parties unless such sale or transfer is to a
16 transferee who would not otherwise qualify for a new motor
17 vehicle dealers license under the ~~"the~~ Illinois Vehicle
18 Code~~"~~ or unless the franchiser, having the burden of proof,
19 proves that such sale or transfer is to a person or party
20 who is not of good moral character or does not meet the
21 franchiser's existing and reasonable capital standards
22 and, with consideration given to the volume of sales and
23 service of the dealership, uniformly applied minimum
24 business experience standards in the market area. However,
25 nothing herein shall be construed to prevent a franchiser
26 from implementing affirmative action programs providing

1 business opportunities for minorities or from complying
2 with applicable federal, State or local law:

3 (A) If the manufacturer intends to refuse to
4 approve the sale or transfer of all or a part of the
5 interest, then it shall, within 60 days from receipt of
6 the completed application forms generally utilized by
7 a manufacturer to conduct its review and a copy of all
8 agreements regarding the proposed transfer, send a
9 letter by certified mail, return receipt requested,
10 advising the franchisee of any refusal to approve the
11 sale or transfer of all or part of the interest and
12 shall state that the dealer only has 30 days from the
13 receipt of the notice to file with the Motor Vehicle
14 Review Board a written protest against the proposed
15 action. The notice shall set forth specific criteria
16 used to evaluate the prospective transferee and the
17 grounds for refusing to approve the sale or transfer to
18 that transferee. Within 30 days from the franchisee's
19 receipt of the manufacturer's notice, the franchisee
20 may file with the Board a written protest against the
21 proposed action.

22 When a protest has been timely filed, the Board
23 shall enter an order, fixing the date (within 60 days
24 of the date of such order), time, and place of a
25 hearing on the protest, required under Sections 12 and
26 29 of this Act, and send by certified mail, return

1 receipt requested, a copy of the order to the
2 manufacturer that filed notice of intention of the
3 proposed action and to the protesting franchisee.

4 The manufacturer shall have the burden of proof to
5 establish that good cause exists to refuse to approve
6 the sale or transfer to the transferee. The
7 determination whether good cause exists to refuse to
8 approve the sale or transfer shall be made by the Board
9 under subdivisions (6) (B). The manufacturer shall not
10 refuse to approve the sale or transfer by a dealer or
11 an officer, partner, or stockholder of a franchise or
12 any part of the interest to any person or persons
13 before the hearing process is concluded as prescribed
14 by this Act, and thereafter if the Board determines
15 that the manufacturer has failed to meet its burden of
16 proof and that good cause does not exist to refuse to
17 approve the sale or transfer to the transferee.

18 (B) Good cause to refuse to approve such sale or
19 transfer under this Section is established when such
20 sale or transfer is to a transferee who would not
21 otherwise qualify for a new motor vehicle dealers
22 license under the ~~"The Illinois Vehicle Code"~~ or such
23 sale or transfer is to a person or party who is not of
24 good moral character or does not meet the franchiser's
25 existing and reasonable capital standards and, with
26 consideration given to the volume of sales and service

1 of the dealership, uniformly applied minimum business
2 experience standards in the market area.

3 (7) to obtain money, goods, services, anything of
4 value, or any other benefit from any other person with whom
5 the motor vehicle dealer does business, on account of or in
6 relation to the transactions between the dealer and the
7 other person as compensation, except for services actually
8 rendered, unless such benefit is promptly accounted for and
9 transmitted to the motor vehicle dealer;

10 (8) to grant an additional franchise in the relevant
11 market area of an existing franchise of the same line make
12 or to relocate an existing motor vehicle dealership within
13 or into a relevant market area of an existing franchise of
14 the same line make. However, if the manufacturer wishes to
15 grant such an additional franchise to an independent person
16 in a bona fide relationship in which such person is
17 prepared to make a significant investment subject to loss
18 in such a dealership, or if the manufacturer wishes to
19 relocate an existing motor vehicle dealership, then the
20 manufacturer shall send a letter by certified mail, return
21 receipt requested, to each existing dealer or dealers of
22 the same line make whose relevant market area includes the
23 proposed location of the additional or relocated franchise
24 at least 60 days before the manufacturer grants an
25 additional franchise or relocates an existing franchise of
26 the same line make within or into the relevant market area

1 of an existing franchisee of the same line make. Each
2 notice shall set forth the specific grounds for the
3 proposed grant of an additional or relocation of an
4 existing franchise and shall state that the dealer has only
5 30 days from the date of receipt of the notice to file with
6 the Motor Vehicle Review Board a written protest against
7 the proposed action. Unless the parties agree upon the
8 grant or establishment of the additional or relocated
9 franchise within 30 days from the date the notice was
10 received by the existing franchisee of the same line make
11 or any person entitled to receive such notice, the
12 franchisee or other person may file with the Board a
13 written protest against the grant or establishment of the
14 proposed additional or relocated franchise.

15 When a protest has been timely filed, the Board shall
16 enter an order fixing a date (within 60 days of the date of
17 the order), time, and place of a hearing on the protest,
18 required under Sections 12 and 29 of this Act, and send by
19 certified or registered mail, return receipt requested, a
20 copy of the order to the manufacturer that filed the notice
21 of intention to grant or establish the proposed additional
22 or relocated franchise and to the protesting dealer or
23 dealers of the same line make whose relevant market area
24 includes the proposed location of the additional or
25 relocated franchise.

26 When more than one protest is filed against the grant

1 or establishment of the additional or relocated franchise
2 of the same line make, the Board may consolidate the
3 hearings to expedite disposition of the matter. The
4 manufacturer shall have the burden of proof to establish
5 that good cause exists to allow the grant or establishment
6 of the additional or relocated franchise. The manufacturer
7 may not grant or establish the additional franchise or
8 relocate the existing franchise before the hearing process
9 is concluded as prescribed by this Act, and thereafter if
10 the Board determines that the manufacturer has failed to
11 meet its burden of proof and that good cause does not exist
12 to allow the grant or establishment of the additional
13 franchise or relocation of the existing franchise.

14 The determination whether good cause exists for
15 allowing the grant or establishment of an additional
16 franchise or relocated existing franchise, shall be made by
17 the Board under subsection (c) of Section 12 of this Act.
18 If the manufacturer seeks to enter into a contract,
19 agreement or other arrangement with any person,
20 establishing any additional motor vehicle dealership or
21 other facility, limited to the sale of factory repurchase
22 vehicles or late model vehicles, then the manufacturer
23 shall follow the notice procedures set forth in this
24 Section and the determination whether good cause exists for
25 allowing the proposed agreement shall be made by the Board
26 under subsection (c) of Section 12, with the manufacturer

1 having the burden of proof.

2 A. (Blank).

3 B. For the purposes of this Section, appointment of
4 a successor motor vehicle dealer at the same location
5 as its predecessor, or within 2 miles of such location,
6 or the relocation of an existing dealer or franchise
7 within 2 miles of the relocating dealer's or
8 franchisee's existing location, shall not be construed
9 as a grant, establishment or the entering into of an
10 additional franchise or selling agreement, or a
11 relocation of an existing franchise. The reopening of a
12 motor vehicle dealership that has not been in operation
13 for 18 months or more shall be deemed the grant of an
14 additional franchise or selling agreement.

15 C. This Section does not apply to the relocation of
16 an existing dealership or franchise in a county having
17 a population of more than 300,000 persons when the new
18 location is within the dealer's current relevant
19 market area, provided the new location is more than 7
20 miles from the nearest dealer of the same line make.
21 This Section does not apply to the relocation of an
22 existing dealership or franchise in a county having a
23 population of less than 300,000 persons when the new
24 location is within the dealer's current relevant
25 market area, provided the new location is more than 12
26 miles from the nearest dealer of the same line make. A

1 dealer that would be farther away from the new location
2 of an existing dealership or franchise of the same line
3 make after a relocation may not file a written protest
4 against the relocation with the Motor Vehicle Review
5 Board.

6 D. Nothing in this Section shall be construed to
7 prevent a franchiser from implementing affirmative
8 action programs providing business opportunities for
9 minorities or from complying with applicable federal,
10 State or local law;

11 (9) to require a motor vehicle dealer to assent to a
12 release, assignment, novation, waiver or estoppel which
13 would relieve any person from liability imposed by this
14 Act;

15 (10) to prevent or refuse to give effect to the
16 succession to the ownership or management control of a
17 dealership by any legatee under the will of a dealer or to
18 an heir under the laws of descent and distribution of this
19 State unless the franchisee has designated a successor to
20 the ownership or management control under the succession
21 provisions of the franchise. Unless the franchiser, having
22 the burden of proof, proves that the successor is a person
23 who is not of good moral character or does not meet the
24 franchiser's existing and reasonable capital standards
25 and, with consideration given to the volume of sales and
26 service of the dealership, uniformly applied minimum

1 business experience standards in the market area, any
2 designated successor of a dealer or franchisee may succeed
3 to the ownership or management control of a dealership
4 under the existing franchise if:

5 (i) The designated successor gives the
6 franchiser written notice by certified mail,
7 return receipt requested, of his or her intention
8 to succeed to the ownership of the dealer within 60
9 days of the dealer's death or incapacity; and

10 (ii) The designated successor agrees to be
11 bound by all the terms and conditions of the
12 existing franchise.

13 Notwithstanding the foregoing, in the event the motor
14 vehicle dealer or franchisee and manufacturer have duly
15 executed an agreement concerning succession rights prior
16 to the dealer's death or incapacitation, the agreement
17 shall be observed.

18 (A) If the franchiser intends to refuse to honor
19 the successor to the ownership of a deceased or
20 incapacitated dealer or franchisee under an existing
21 franchise agreement, the franchiser shall send a
22 letter by certified mail, return receipt requested, to
23 the designated successor within 60 days from receipt of
24 a proposal advising of its intent to refuse to honor
25 the succession and to discontinue the existing
26 franchise agreement and shall state that the

1 designated successor only has 30 days from the receipt
2 of the notice to file with the Motor Vehicle Review
3 Board a written protest against the proposed action.
4 The notice shall set forth the specific grounds for the
5 refusal to honor the succession and discontinue the
6 existing franchise agreement.

7 If notice of refusal is not timely served upon the
8 designated successor, the franchise agreement shall
9 continue in effect subject to termination only as
10 otherwise permitted by paragraph (6) of subsection (d)
11 of Section 4 of this Act.

12 Within 30 days from the date the notice was
13 received by the designated successor or any other
14 person entitled to notice, the designee or other person
15 may file with the Board a written protest against the
16 proposed action.

17 When a protest has been timely filed, the Board
18 shall enter an order, fixing a date (within 60 days of
19 the date of the order), time, and place of a hearing on
20 the protest, required under Sections 12 and 29 of this
21 Act, and send by certified mail, return receipt
22 requested, a copy of the order to the franchiser that
23 filed the notice of intention of the proposed action
24 and to the protesting designee or such other person.

25 The manufacturer shall have the burden of proof to
26 establish that good cause exists to refuse to honor the

1 succession and discontinue the existing franchise
2 agreement. The determination whether good cause exists
3 to refuse to honor the succession shall be made by the
4 Board under subdivision (B) of this paragraph (10). The
5 manufacturer shall not refuse to honor the succession
6 or discontinue the existing franchise agreement before
7 the hearing process is concluded as prescribed by this
8 Act, and thereafter if the Board determines that it has
9 failed to meet its burden of proof and that good cause
10 does not exist to refuse to honor the succession and
11 discontinue the existing franchise agreement.

12 (B) No manufacturer shall impose any conditions
13 upon honoring the succession and continuing the
14 existing franchise agreement with the designated
15 successor other than that the franchisee has
16 designated a successor to the ownership or management
17 control under the succession provisions of the
18 franchise, or that the designated successor is of good
19 moral character or meets the reasonable capital
20 standards and, with consideration given to the volume
21 of sales and service of the dealership, uniformly
22 applied minimum business experience standards in the
23 market area;

24 (11) to prevent or refuse to approve a proposal to
25 establish a successor franchise at a location previously
26 approved by the franchiser when submitted with the

1 voluntary termination by the existing franchisee unless
2 the successor franchisee would not otherwise qualify for a
3 new motor vehicle dealer's license under the Illinois
4 Vehicle Code or unless the franchiser, having the burden of
5 proof, proves that such proposed successor is not of good
6 moral character or does not meet the franchiser's existing
7 and reasonable capital standards and, with consideration
8 given to the volume of sales and service of the dealership,
9 uniformly applied minimum business experience standards in
10 the market area. However, when such a rejection of a
11 proposal is made, the manufacturer shall give written
12 notice of its reasons to the franchisee within 60 days of
13 receipt by the manufacturer of the proposal. However,
14 nothing herein shall be construed to prevent a franchiser
15 from implementing affirmative action programs providing
16 business opportunities for minorities, or from complying
17 with applicable federal, State or local law;

18 (12) to prevent or refuse to grant a franchise to a
19 person because such person owns, has investment in or
20 participates in the management of or holds a franchise for
21 the sale of another make or line of motor vehicles within 7
22 miles of the proposed franchise location in a county having
23 a population of more than 300,000 persons, or within 12
24 miles of the proposed franchise location in a county having
25 a population of less than 300,000 persons; or

26 (13) to prevent or attempt to prevent any new motor

1 vehicle dealer from establishing any additional motor
2 vehicle dealership or other facility limited to the sale of
3 factory repurchase vehicles or late model vehicles or
4 otherwise offering for sale factory repurchase vehicles of
5 the same line make at an existing franchise by failing to
6 make available any contract, agreement or other
7 arrangement which is made available or otherwise offered to
8 any person.

9 (f) It is deemed a violation for a manufacturer, a
10 distributor, a wholesaler, a distributor branch or division, a
11 factory branch or division, or a wholesale branch or division,
12 or officer, agent, broker, shareholder, except a shareholder of
13 1% or less of the outstanding shares of any class of securities
14 of a manufacturer, distributor, or wholesaler which is a
15 publicly traded corporation, or other representative, directly
16 or indirectly, to own or operate a place of business as a motor
17 vehicle franchisee or motor vehicle financing affiliate,
18 except that, this subsection shall not prohibit:

19 (1) the ownership or operation of a place of business
20 by a manufacturer, distributor, or wholesaler for a period,
21 not to exceed 18 months, during the transition from one
22 motor vehicle franchisee to another;

23 (2) the investment in a motor vehicle franchisee by a
24 manufacturer, distributor, or wholesaler if the investment
25 is for the sole purpose of enabling a partner or
26 shareholder in that motor vehicle franchisee to acquire an

1 interest in that motor vehicle franchisee and that partner
2 or shareholder is not otherwise employed by or associated
3 with the manufacturer, distributor, or wholesaler and
4 would not otherwise have the requisite capital investment
5 funds to invest in the motor vehicle franchisee, and has
6 the right to purchase the entire equity interest of the
7 manufacturer, distributor, or wholesaler in the motor
8 vehicle franchisee within a reasonable period of time not
9 to exceed 5 years; or

10 (3) the ownership or operation of a place of business
11 by a manufacturer that manufactures only diesel engines for
12 installation in trucks having a gross vehicle weight rating
13 of more than 16,000 pounds that are required to be
14 registered under the Illinois Vehicle Code, provided that:

15 (A) the manufacturer does not otherwise
16 manufacture, distribute, or sell motor vehicles as
17 defined under Section 1-217 of the Illinois Vehicle
18 Code;

19 (B) the manufacturer owned a place of business and
20 it was in operation as of January 1, 2016;

21 (C) the manufacturer complies with all obligations
22 owed to dealers that are not owned, operated, or
23 controlled by the manufacturer, including, but not
24 limited to those obligations arising pursuant to
25 Section 6;

26 (D) to further avoid any acts or practices, the

1 effect of which may be to lessen or eliminate
2 competition, the manufacturer provides to dealers on
3 substantially equal terms access to all support for
4 completing repairs, including, but not limited to,
5 parts and assemblies, training, and technical service
6 bulletins, and other information concerning repairs
7 that the manufacturer provides to facilities that are
8 owned, operated, or controlled by the manufacturer;
9 and

10 (E) the manufacturer does not require that
11 warranty repair work be performed by a
12 manufacturer-owned repair facility and the
13 manufacturer provides any dealer that has an agreement
14 with the manufacturer to sell and perform warranty
15 repairs on the manufacturer's engines the opportunity
16 to perform warranty repairs on those engines,
17 regardless of whether the dealer sold the truck into
18 which the engine was installed.

19 (g) Notwithstanding the terms, provisions, or conditions
20 of any agreement or waiver, it shall be deemed a violation for
21 a manufacturer, a distributor, a wholesaler, a distributor
22 branch or division, a factory branch or division, or a
23 wholesale branch or division, or officer, agent or other
24 representative thereof, to directly or indirectly condition
25 the awarding of a franchise to a prospective new motor vehicle
26 dealer, the addition of a line make or franchise to an existing

1 dealer, the renewal of a franchise of an existing dealer, the
2 approval of the relocation of an existing dealer's facility, or
3 the approval of the sale or transfer of the ownership of a
4 franchise on the willingness of a dealer, proposed new dealer,
5 or owner of an interest in the dealership facility to enter
6 into a site control agreement or exclusive use agreement unless
7 separate and reasonable consideration was offered and accepted
8 for that agreement.

9 For purposes of this subsection (g), the terms "site
10 control agreement" and "exclusive use agreement" include any
11 agreement that has the effect of either (i) requiring that the
12 dealer establish or maintain exclusive dealership facilities;
13 or (ii) restricting the ability of the dealer, or the ability
14 of the dealer's lessor in the event the dealership facility is
15 being leased, to transfer, sell, lease, or change the use of
16 the dealership premises, whether by sublease, lease,
17 collateral pledge of lease, or other similar agreement. "Site
18 control agreement" and "exclusive use agreement" also include a
19 manufacturer restricting the ability of a dealer to transfer,
20 sell, or lease the dealership premises by right of first
21 refusal to purchase or lease, option to purchase, or option to
22 lease if the transfer, sale, or lease of the dealership
23 premises is to a person who is an immediate family member of
24 the dealer. For the purposes of this subsection (g), "immediate
25 family member" means a spouse, parent, son, daughter,
26 son-in-law, daughter-in-law, brother, and sister.

1 If a manufacturer exercises any right of first refusal to
2 purchase or lease or option to purchase or lease with regard to
3 a transfer, sale, or lease of the dealership premises to a
4 person who is not an immediate family member of the dealer,
5 then (1) within 60 days from the receipt of the completed
6 application forms generally utilized by a manufacturer to
7 conduct its review and a copy of all agreements regarding the
8 proposed transfer, the manufacturer must notify the dealer of
9 its intent to exercise the right of first refusal to purchase
10 or lease or option to purchase or lease and (2) the exercise of
11 the right of first refusal to purchase or lease or option to
12 purchase or lease must result in the dealer receiving
13 consideration, terms, and conditions that either are the same
14 as or greater than that which they have contracted to receive
15 in connection with the proposed transfer, sale, or lease of the
16 dealership premises.

17 Any provision contained in any agreement entered into on or
18 after November 25, 2009 (the effective date of Public Act
19 96-824) ~~this amendatory Act of the 96th General Assembly~~ that
20 is inconsistent with the provisions of this subsection (g)
21 shall be voidable at the election of the affected dealer,
22 prospective dealer, or owner of an interest in the dealership
23 facility.

24 (h) For purposes of this subsection:

25 "Successor manufacturer" means any motor vehicle
26 manufacturer that, on or after January 1, 2009, acquires,

1 succeeds to, or assumes any part of the business of another
2 manufacturer, referred to as the "predecessor manufacturer",
3 as the result of any of the following:

4 (i) A change in ownership, operation, or control of the
5 predecessor manufacturer by sale or transfer of assets,
6 corporate stock or other equity interest, assignment,
7 merger, consolidation, combination, joint venture,
8 redemption, court-approved sale, operation of law or
9 otherwise.

10 (ii) The termination, suspension, or cessation of a
11 part or all of the business operations of the predecessor
12 manufacturer.

13 (iii) The discontinuance of the sale of the product
14 line.

15 (iv) A change in distribution system by the predecessor
16 manufacturer, whether through a change in distributor or
17 the predecessor manufacturer's decision to cease
18 conducting business through a distributor altogether.

19 "Former Franchisee" means a new motor vehicle dealer that
20 has entered into a franchise with a predecessor manufacturer
21 and that has either:

22 (i) entered into a termination agreement or deferred
23 termination agreement with a predecessor or successor
24 manufacturer related to such franchise; or

25 (ii) has had such franchise canceled, terminated,
26 nonrenewed, noncontinued, rejected, nonassumed, or

1 otherwise ended.

2 For a period of 3 years from: (i) the date that a successor
3 manufacturer acquires, succeeds to, or assumes any part of the
4 business of a predecessor manufacturer; (ii) the last day that
5 a former franchisee is authorized to remain in business as a
6 franchised dealer with respect to a particular franchise under
7 a termination agreement or deferred termination agreement with
8 a predecessor or successor manufacturer; (iii) the last day
9 that a former franchisee that was cancelled, terminated,
10 nonrenewed, noncontinued, rejected, nonassumed, or otherwise
11 ended by a predecessor or successor manufacturer is authorized
12 to remain in business as a franchised dealer with respect to a
13 particular franchise; or (iv) November 25, 2009 (the effective
14 date of Public Act 96-824) ~~this amendatory Act of the 96th~~
15 ~~General Assembly~~, whichever is latest, it shall be unlawful for
16 such successor manufacturer to enter into a same line make
17 franchise with any person or to permit the relocation of any
18 existing same line make franchise, for a line make of the
19 predecessor manufacturer that would be located or relocated
20 within the relevant market area of a former franchisee who
21 owned or leased a dealership facility in that relevant market
22 area without first offering the additional or relocated
23 franchise to the former franchisee, or the designated successor
24 of such former franchisee in the event the former franchisee is
25 deceased or a person with a disability, at no cost and without
26 any requirements or restrictions other than those imposed

1 generally on the manufacturer's other franchisees at that time,
2 unless one of the following applies:

3 (1) As a result of the former franchisee's
4 cancellation, termination, noncontinuance, or nonrenewal
5 of the franchise, the predecessor manufacturer had
6 consolidated the line make with another of its line makes
7 for which the predecessor manufacturer had a franchisee
8 with a then-existing dealership facility located within
9 that relevant market area.

10 (2) The successor manufacturer has paid the former
11 franchisee, or the designated successor of such former
12 franchisee in the event the former franchisee is deceased
13 or a person with a disability, the fair market value of the
14 former franchisee's franchise on (i) the date the
15 franchisor announces the action which results in the
16 termination, cancellation, or nonrenewal; or (ii) the date
17 the action which results in termination, cancellation, or
18 nonrenewal first became general knowledge; or (iii) the day
19 12 months prior to the date on which the notice of
20 termination, cancellation, or nonrenewal is issued,
21 whichever amount is higher. Payment is due within 90 days
22 of the effective date of the termination, cancellation, or
23 nonrenewal. If the termination, cancellation, or
24 nonrenewal is due to a manufacturer's change in
25 distributors, the manufacturer may avoid paying fair
26 market value to the dealer if the new distributor or the

1 manufacturer offers the dealer a franchise agreement with
2 terms acceptable to the dealer.

3 (3) The successor manufacturer proves that it would
4 have had good cause to terminate the franchise agreement of
5 the former franchisee, or the successor of the former
6 franchisee under item (e)(10) in the event that the former
7 franchisee is deceased or a person with a disability. The
8 determination of whether the successor manufacturer would
9 have had good cause to terminate the franchise agreement of
10 the former franchisee, or the successor of the former
11 franchisee, shall be made by the Board under subsection (d)
12 of Section 12. A successor manufacturer that seeks to
13 assert that it would have had good cause to terminate a
14 former franchisee, or the successor of the former
15 franchisee, must file a petition seeking a hearing on this
16 issue before the Board and shall have the burden of proving
17 that it would have had good cause to terminate the former
18 franchisee or the successor of the former franchisee. No
19 successor dealer, other than the former franchisee, may be
20 appointed or franchised by the successor manufacturer
21 within the relevant market area of the former franchisee
22 until the Board has held a hearing and rendered a
23 determination on the issue of whether the successor
24 manufacturer would have had good cause to terminate the
25 former franchisee.

26 In the event that a successor manufacturer attempts to

1 enter into a same line make franchise with any person or to
2 permit the relocation of any existing line make franchise under
3 this subsection (h) at a location that is within the relevant
4 market area of 2 or more former franchisees, then the successor
5 manufacturer may not offer it to any person other than one of
6 those former franchisees unless the successor manufacturer can
7 prove that at least one of the 3 exceptions in items (1), (2),
8 and (3) of this subsection (h) applies to each of those former
9 franchisees.

10 (Source: P.A. 99-143, eff. 7-27-15; 99-844, eff. 8-19-16;
11 revised 10-27-16.)

12 Section 820. The Earned Income Tax Credit Information Act
13 is amended by changing Section 5 as follows:

14 (820 ILCS 170/5) (from Ch. 48, par. 2755)

15 Sec. 5. Declaration of public policy. In order to alleviate
16 the tax burden of low-income persons in Illinois who have
17 earned income and support one or more dependent children, the
18 State should facilitate the furnishing of information to such
19 persons about the availability of the federal earned income tax
20 credit so that eligible taxpayers may claim that credit on
21 their federal income tax returns. It is the intent of this Act
22 to offer the most cost-effective assistance to eligible
23 taxpayers through notices provided by their employers and by
24 State government.

1 (Source: P.A. 87-598; revised 9-15-16.)

2 Section 995. No acceleration or delay. Where this Act makes
3 changes in a statute that is represented in this Act by text
4 that is not yet or no longer in effect (for example, a Section
5 represented by multiple versions), the use of that text does
6 not accelerate or delay the taking effect of (i) the changes
7 made by this Act or (ii) provisions derived from any other
8 Public Act.

9 Section 996. No revival or extension. This Act does not
10 revive or extend any Section or Act otherwise repealed.

11 Section 999. Effective date. This Act takes effect upon
12 becoming law.

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