Amends the Currency Exchange Act, the Sales Finance Agency Act, the Debt Management Service Act, the Consumer Installment Loan Act, and the Payday Loan Reform Act. Changes application fees, license fees, initial license fees, and fees to operate under those Acts. Changes the fine for late annual consumer installment loan reports to $500 (instead of $25) for each day beyond March 1 such report is filed. Establishes an initial license fee to operate as a payday lender in the amount of $1,250. Changes the fine for late annual payday lender reports to $500 (instead of $25) for each day beyond March 1 such report is filed. In the Sales Finance Agency Act, the Consumer Installment Loan Act, and the Payday Loan Reform Act, makes changes to the expiration date of licenses under those Acts and adds a fee to reinstate an expired license. Effective immediately.
AN ACT concerning regulation.

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

Section 5. The Currency Exchange Act is amended by changing Sections 4, 13.1, 14, and 16 as follows:

(205 ILCS 405/4) (from Ch. 17, par. 4808)
Sec. 4. License application; contents; fees. A licensee shall obtain a separate license for each licensed location. Application for such license shall be in writing under oath and in the form prescribed and furnished by the Secretary. Each application shall contain the following:

(a) The applicant's full name and address (both of residence and place of business) if the applicant is a natural person, and if the applicant is a partnership, limited liability company, or association, of every member thereof, and the name and principal office if the applicant is a corporation;

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

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

(d) In the case of a licensee's initial license application, the applicant's occupation or profession; a detailed statement of the applicant's business experience for the 10 years immediately preceding the application; a detailed statement of the applicant's finances; the applicant's present or previous connection with any other currency exchange; whether the applicant has ever been involved in any civil or criminal litigation, and the material facts pertaining thereto; whether the applicant has ever been committed to any penal institution or admitted to an institution for the care and treatment of mentally ill persons; and the nature of applicant's occupancy of the premises to be licensed where the application is for a community currency exchange license. If the applicant is a partnership, the information specified herein shall be required of each partner. If the applicant is a corporation or limited liability company, the said information shall be required of each controlling person thereof along with disclosure of their ownership interests.

A licensee's initial community currency exchange license application shall be accompanied by a fee of $1,000 for the cost of investigating the applicant. A licensee's application for licenses for additional licensed locations shall be accompanied by a fee of $1,500 $1,000 for each additional
license. If the ownership of a licensee or licensed location changes, in whole or in part, a new application must be filed pursuant to this Section along with a $500 fee if the licensee's ownership interests have been transferred or sold to a new person or entity or a fee of $300 if the licensee's ownership interests have been transferred or sold to a current holder or holders of the licensee's ownership interests. When the application for a community currency exchange license has been approved by the Secretary and the applicant so advised, an additional sum of $500 as an annual license fee for a period terminating on the last day of the current calendar year shall be paid to the Secretary by the applicant; provided, that the license fee for an applicant applying for such a license after July 1st of any year shall be $250 for the balance of such year. Upon receipt of a community currency exchange license application, the Secretary shall examine the application for completeness and notify the applicant in writing of any defect within 20 days after receipt. The applicant must remedy the defect within 10 days after the mailing of the notification of the defect by the Secretary. Failure to timely remedy the defect will void the application.

Once the Secretary determines that the application is complete, the Secretary shall have 90 business days to approve or deny the application. If the application is denied, the Secretary shall send by United States mail notice of the denial to the applicant at the address set forth in the application. If an
application is denied, the applicant may, within 10 days after
the date of the notice of denial, make a written request to the
Secretary for a hearing on the application. The hearing shall
be set for a date after the receipt by the Secretary of the
request for a hearing, and written notice of the time and place
of the hearing shall be mailed to the applicant no later than
15 days before the date of the hearing. The hearing shall be
scheduled for a date within 56 days after the date of the
receipt of the request for a hearing. The applicant shall pay
the actual cost of making the transcript of the hearing prior
to the Secretary's issuing his or her decision. The Secretary's
decision is subject to review as provided in Section 22.01 of
this Act.

An application for an ambulatory currency exchange license
shall be accompanied by a fee of $1,000 $100, which fee shall
be for the cost of investigating the applicant. An approved
applicant shall not be required to pay the initial
investigation fee of $1,000 $100 more than once. When the
application for an ambulatory currency exchange license has
been approved by the Secretary, and such applicant so advised,
such applicant shall pay an annual license fee of $500 $25 for
each and every location to be served by such applicant;
provided that such license fee for an approved applicant
applying for such a license after July 1st of any year shall be
$250 $12 for the balance of such year for each and every
location to be served by such applicant. Such an approved
applicant for an ambulatory currency exchange license, when applying for a license with respect to a particular location, shall file with the Secretary, at the time of filing an application, a letter of memorandum, which shall be in writing and under oath, signed by the owner or authorized representative of the business whose employees are to be served; such letter or memorandum shall contain a statement that such service is desired, and that the person signing the same is authorized so to do. The Secretary shall thereupon verify the authenticity of the letter or memorandum and the authority of the person who executed it, to do so.

The Department shall have 45 business days to approve or deny a licensee's request to purchase another currency exchange.

(Source: P.A. 99-445, eff. 1-1-16.)

Sec. 13.1. Consolidation of business locations. Whenever 2 or more licensees desire to consolidate their places of business, they shall make application for such consolidation to the Secretary upon a form provided by him or her. This application shall state: (a) the name to be adopted and the location at which the business is to be located, which name and location shall be the same as one of the consolidating licensees; (b) that the owners or all partners or all stockholders or all members, as the case may be, of the
licensees involved in the contemplated consolidation, have
approved the application; (c) a certification by the secretary,
if any of the licensees be corporations, that the contemplated
consolidation has been approved by all of the stockholders at a
properly convened stockholders meeting; (d) other relevant
information the Secretary may require. Simultaneously with the
approval of the application by the Secretary, the licensee or
licensees who will cease doing business shall: (a) surrender
their license or licenses to the Secretary; (b) transfer all of
their assets and liabilities to the licensee continuing to
operate by virtue of the application; (c) apply to the
Secretary of State, if they be corporations, for surrender of
their corporate charter in accordance with the provisions of

An application for consolidation shall be approved or
rejected by the Secretary within 30 days after receipt by him
of such application and supporting documents required
thereunder. The Secretary shall impose a consolidation fee of
$500 $100 per application.

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

Nothing contained herein shall limit or prohibit any action
or remedy available to a licensee or to the Secretary under
Sections 15, 15.1 to 15.1e or 15.2 of this Act.
(Source: P.A. 97-315, eff. 1-1-12.)

(205 ILCS 405/14) (from Ch. 17, par. 4823)
Sec. 14. Every licensee, shall, on or before November 15, pay to the Secretary the annual license fee or fees for the next succeeding calendar year and shall at the same time file with the Secretary the annual bond or bonds and the insurance policy or policies as and if required by this Act. The annual license fee for each community currency exchange shall be $500 for each licensee and $500 for each additional licensed location. The annual license fee for each location served by an ambulatory currency exchange shall be $25.
(Source: P.A. 99-445, eff. 1-1-16; 99-549, eff. 7-15-16.)

(205 ILCS 405/16) (from Ch. 17, par. 4832)
Sec. 16. Annual report; investigation; costs.
(a) Each licensee shall annually, on or before the 1st day of March, file a report with the Secretary for the calendar year period from January 1st through December 31st, giving such relevant information as the Secretary may reasonably require concerning, and for the purpose of examining, the business and operations during the preceding fiscal year period of each licensed currency exchange conducted by such licensee within the State. Such report shall be made under oath and shall be in the form prescribed by the Secretary. The Secretary may at any
time, and shall at least once in each year, investigate the
currency exchange business of any licensee and of every person,
partnership, association, limited liability company, and
corporation who or which shall be engaged in the business of
operating a currency exchange. For that purpose, the Secretary
shall have free access to the offices and places of business
and to such records of all such persons, firms, partnerships,
associations, limited liability companies and members thereof,
and corporations and to the officers and directors thereof that
shall relate to such currency exchange business. The
investigation may be conducted in conjunction with
representatives of other State agencies or agencies of another
state or of the United States as determined by the Secretary.
The Secretary may at any time inspect the locations served by
an ambulatory currency exchange, for the purpose of determining
whether such currency exchange is complying with the provisions
of this Act at each location served. The Secretary may require
by subpoena the attendance of and examine under oath all
persons whose testimony he may require relative to such
business, and in such cases the Secretary, or any qualified
representative of the Secretary whom the Secretary may
designate, may administer oaths to all such persons called as
witnesses, and the Secretary, or any such qualified
representative of the Secretary, may conduct such
examinations, and there shall be paid to the Secretary for each
such examination a fee of $500 $250 for each day or part
thereof for each qualified representative designated and required to conduct the examination; provided, however, that in the case of an ambulatory currency exchange, such fee shall be $150 for each day or part thereof.

(b) Confidentiality. All information collected by the Department in the course of an examination or investigation of an ambulatory or community currency exchange or applicant, including, by not limited to, any complaint against an ambulatory or community currency exchange filed with the Department, and information collected to investigate any such complaint shall be maintained for the confidential use of the Department and shall not be disclosed. The Department may not disclose such information to anyone other than law enforcement officials, other regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or to a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a licensee by the Department or any order issued by the Department against a licensee shall be a public record, except as otherwise prohibited by law.

(Source: P.A. 97-315, eff. 1-1-12.)

Section 10. The Sales Finance Agency Act is amended by changing Sections 5 and 6 as follows:
Sec. 5. If a licensee fails to renew his or her license by the 31st day of December, it shall automatically expire on the 31st day of December and the licensee is not entitled to a hearing; however, the Director in his or her discretion, may reinstate an expired license upon payment of the annual renewal fee and proof of good cause for failure to renew, and payment of an additional fee for failure to renew in a timely manner as determined by the Director.

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

Sec. 6. A license fee of $1,250 for the applicant's principal place of business and $1,000 for each additional place of business for which a license is sought must be submitted with an application for license made before July 1 of any year. If application for a license is made on July 1 or thereafter, a license fee of $150 for the principal place of business and of $50 for each additional place of business must accompany the application. Each license remains in force until surrendered, suspended, or revoked. If the application for license is denied, the original license fee shall be retained by the State in reimbursement of its costs of investigating that application.

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

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

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As used in this Section, "transactions" means loans made or acquired pursuant to this Act during the calendar year preceding the calendar year for which a licensee seeks to renew its license.
(Source: P.A. 92-398, eff. 1-1-02.)

Section 15. The Debt Management Service Act is amended by changing Sections 4 and 6 as follows:

(205 ILCS 665/4) (from Ch. 17, par. 5304)
Sec. 4. Application for license. Application for a license to engage in the debt management service business in this State shall be made to the Secretary and shall be in writing, under oath, and in the form prescribed by the Secretary.

Each applicant, at the time of making such application, shall pay to the Secretary the sum of $1,250 as a fee for investigation of the applicant, and the additional sum of $100.00 as a license fee.

Every applicant shall submit to the Secretary, at the time of the application for a license, a bond to be approved by the Secretary in which the applicant shall be the obligor, in the sum of $25,000 or such additional amount as required by the Secretary based on the amount of disbursements made by the licensee in the previous year, and in which an insurance company, which is duly authorized by the State of Illinois, to transact the business of fidelity and surety insurance shall be
The bond shall run to the Secretary for the use of the Department or of any person or persons who may have a cause of action against the obligor in said bond arising out of any violation of this Act or rules by a license. Such bond shall be conditioned that the obligor will faithfully conform to and abide by the provisions of this Act and of all rules, regulations and directions lawfully made by the Secretary and will pay to the Secretary or to any person or persons any and all money that may become due or owing to the State or to such person or persons, from said obligor under and by virtue of the provisions of this Act.

(Source: P.A. 96-1420, eff. 8-3-10.)

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

Sec. 6. Renewal of license. Each debt management service provider under the provisions of this Act may make application to the Secretary for renewal of its license, which application for renewal shall be on the form prescribed by the Secretary and shall be accompanied by a fee of $1,000 $100.00 together with a bond or other surety as required, in a minimum amount of $25,000 or such an amount as required by the Secretary based on the amount of disbursements made by the licensee in the previous year. The application must be received by the Department no later than December 1 of the year preceding the year for which the application applies.
Section 20. The Consumer Installment Loan Act is amended by changing Sections 2, 4, 8, 11, and 12.5 as follows:

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

Sec. 2. Application; fees; positive net worth. Application for such license shall be in writing, and in the form prescribed by the Director. Such applicant at the time of making such application shall pay to the Director the sum of $1,250 $300 as an application fee and the additional sum of $450 as an annual license fee, for a period terminating on the last day of the current calendar year, provided that if the application is filed after June 30th in any year, such license fee shall be 1/2 of the annual license fee for such year.

Before the license is granted, every applicant shall prove in form satisfactory to the Director that the applicant has and will maintain a positive net worth of a minimum of $30,000. Every applicant and licensee shall maintain a surety bond in the principal sum of $25,000 issued by a bonding company authorized to do business in this State and which shall be approved by the Director. Such bond shall run to the Director and shall be for the benefit of any consumer who incurs damages as a result of any violation of the Act or rules by a licensee.

If the Director finds at any time that a bond is of insufficient size, is insecure, exhausted, or otherwise
doubtful, an additional bond in such amount as determined by
the Director shall be filed by the licensee within 30 days
after written demand therefor by the Director. "Net worth"
means total assets minus total liabilities.
(Source: P.A. 92-398, eff. 1-1-02; 93-32, eff. 7-1-03.)

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

Sec. 4. Investigation to determine whether license shall be
issued. Upon the filing of an application and the payment of
the fee, the Director shall investigate to determine (1) that
the reputation of the applicant, including managers of a
limited liability company, partners, owners, officers or
directors thereof is such as to warrant belief that the
business will be operated honestly and fairly within the
purposes of this Act and (2) that the applicant meets the
positive net worth requirement set forth in Section 2 of this
Act. Unless the Director makes findings hereinabove
enumerated, he or she shall not issue a license and shall
notify the applicant of the denial and return to the applicant
the sum paid by the applicant as a license fee, but shall
retain the $1,250 $300 application fee. The Director shall
approve or deny every application for license hereunder within
60 days from the filing thereof with the fee.
(Source: P.A. 90-437, eff. 1-1-98; 90-575, eff. 3-20-98.)

(205 ILCS 670/8) (from Ch. 17, par. 5408)
Sec. 8. Annual license fee; expenses fee - Expenses. Before the 1st day of each December, a licensee must pay to the Director, and the Department must receive, an the annual license fee calculated as set forth in the following required by Section 2 for the next succeeding calendar year. The license shall expire on the first of January unless the license fee has been paid prior thereto.

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As used in this Section, "transactions" means loans made pursuant to this Act during the calendar year preceding the
calendar year for which a licensee seeks to renew its license.

In addition to such license fee, the reasonable expense of any examination, investigation or custody by the Director under any provisions of this Act shall be borne by the licensee.

If a licensee fails to renew his or her license by the 1st 31st day of December, it shall automatically expire on the 31st of December and the licensee is not entitled to a hearing; however, the Director, in his or her discretion, may reinstate an expired license upon payment of the annual renewal fee, and proof of good cause for failure to renew, and payment of an additional fee for failure to renew in a timely manner as determined by the Director.

(Source: P.A. 100-958, eff. 8-19-18.)

(205 ILCS 670/11) (from Ch. 17, par. 5411)

Sec. 11. Books and records - Reports.

(a) Every licensee shall retain and use in his business or at another location approved by the Director such records as are required by the Director to enable the Director to determine whether the licensee is complying with the provisions of this Act and the rules and regulations promulgated pursuant to this Act. Every licensee shall preserve the records of any loan for at least 2 years after making the final entry for such loan. Accounting systems maintained in whole or in part by mechanical or electronic data processing methods which provide information equivalent to that otherwise required and follow
generally accepted accounting principles are acceptable for that purpose, if approved by the Director in writing.

(b) Each licensee shall annually, on or before the first day of March, file a report with the Director giving such relevant information as the Director may reasonably require concerning the business and operations during the preceding calendar year of each licensed place of business conducted by the licensee. The report must be received by the Department on or before March 1. The report shall be made under oath and in a form prescribed by the Director. Whenever a licensee operates 2 or more licensed offices or whenever 2 or more affiliated licensees operate licensed offices, a composite report of such group of licensed offices may be filed in lieu of individual reports. The Director may make and publish annually an analysis and recapitulation of such reports. The Director may fine each licensee $500 for each day beyond March 1 such report is filed.

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

(205 ILCS 670/12.5)

Sec. 12.5. Limited purpose branch.

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

(b) The licensee must submit an application for a limited
purpose branch to the Director on forms prescribed by the
Director with an application fee of $1,250 $300. The approval
for the limited purpose branch must be renewed concurrently
with the renewal of the licensee's license along with a renewal
fee as set forth in Section 8 of $300 for the limited purpose
branch.

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

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

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

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

(g) A limited purpose branch may not be located within
1,000 feet of a facility operated by an inter-track wagering
licensee or an organization licensee subject to the Illinois
Horse Racing Act of 1975, on a riverboat or in a casino subject
to the Illinois Gambling Act, or within 1,000 feet of the
location at which the riverboat docks or within 1,000 feet of a
casino.
(Source: P.A. 101-31, eff. 6-28-19.)

Section 25. The Payday Loan Reform Act is amended by changing Sections 2-55 and 3-5 as follows:

(815 ILCS 122/2-55)
Sec. 2-55. Information, reporting, and examination.
(a) A licensee shall keep and use books, accounts, and records that will enable the Secretary to determine if the licensee is complying with the provisions of this Act and maintain any other records as required by the Secretary.
(b) A licensee shall collect and maintain information annually for a report that shall disclose in detail and under appropriate headings:
(1) the total number of payday loans made during the preceding calendar year;
(2) the total number of payday loans outstanding as of December 31 of the preceding calendar year;
(3) the minimum, maximum, and average dollar amount of payday loans made during the preceding calendar year;
(4) the average annual percentage rate and the average term of payday loans made during the preceding calendar year; and
(5) the total number of payday loans paid in full, the total number of loans that went into default, and the total
number of loans written off during the preceding calendar year.

The report shall be verified by the oath or affirmation of the owner, manager, or president of the licensee. The report must be filed with the Secretary no later than March 1 of the year following the year for which the report discloses the information specified in this subsection (b). The Secretary may impose upon the licensee a fine of $500 per day for each day beyond the filing deadline that the report is not filed.

(c) No later than July 31 of the second year following the effective date of this Act, the Department shall publish a biennial report that contains a compilation of aggregate data concerning the payday lending industry and shall make the report available to the Governor, the General Assembly, and the general public.

(d) The Department shall have the authority to conduct examinations of the books, records, and loan documents at any time.

(Source: P.A. 94-13, eff. 12-6-05.)

(815 ILCS 122/3-5)

Sec. 3-5. Licensure.

(a) A license to make a payday loan shall state the address, including city and state, at which the business is to be conducted and shall state fully the name of the licensee. The license shall be conspicuously posted in the place of
business of the licensee and shall not be transferable or assignable.

(b) An application for a license shall be in writing and in a form prescribed by the Secretary. The Secretary may not issue a payday loan license unless and until the following findings are made:

(1) that the financial responsibility, experience, character, and general fitness of the applicant are such as to command the confidence of the public and to warrant the belief that the business will be operated lawfully and fairly and within the provisions and purposes of this Act; and

(2) that the applicant has submitted such other information as the Secretary may deem necessary.

(c) A license shall be issued for no longer than one year, and no renewal of a license may be provided if a licensee has substantially violated this Act and has not cured the violation to the satisfaction of the Department.

(d) A licensee shall appoint, in writing, the Secretary as attorney-in-fact upon whom all lawful process against the licensee may be served with the same legal force and validity as if served on the licensee. A copy of the written appointment, duly certified, shall be filed in the office of the Secretary, and a copy thereof certified by the Secretary shall be sufficient evidence to subject a licensee to jurisdiction in a court of law. This appointment shall remain
in effect while any liability remains outstanding in this State against the licensee. When summons is served upon the Secretary as attorney-in-fact for a licensee, the Secretary shall immediately notify the licensee by registered mail, enclosing the summons and specifying the hour and day of service.

(e) A licensee must pay an initial annual fee of $1,250 and an annual renewal fee as set forth in the following:

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As used in this Section, "transactions" means loans made or acquired pursuant to this Act during the calendar year.
preceding the calendar year for which a licensee seeks to renew its license.

In addition to the license fee, the reasonable expense of any examination or hearing by the Secretary under any provisions of this Act shall be borne by the licensee. If a licensee fails to renew its license by December 1, its license shall automatically expire on December 31; however, the Secretary, in his or her discretion, may reinstate an expired license upon:

(1) payment of the annual fee within 30 days of the date of expiration; and

(2) proof of good cause for failure to renew; and

(3) payment of an additional fee for failure to renew in a timely manner as determined by the Secretary.

(f) Not more than one place of business shall be maintained under the same license, but the Secretary may issue more than one license to the same licensee upon compliance with all the provisions of this Act governing issuance of a single license. The location, except those locations already in existence as of June 1, 2005, may not be within one mile of a horse race track subject to the Illinois Horse Racing Act of 1975, within one mile of a facility at which gambling is conducted under the Illinois Gambling Act, within one mile of the location at which a riverboat subject to the Illinois Gambling Act docks, or within one mile of any State of Illinois or United States military base or naval installation.
(g) No licensee shall conduct the business of making loans under this Act within any office, suite, room, or place of business in which (1) any loans are offered or made under the Consumer Installment Loan Act other than title secured loans as defined in subsection (a) of Section 15 of the Consumer Installment Loan Act and governed by Title 38, Section 110.330 of the Illinois Administrative Code or (2) any other business is solicited or engaged in unless the other business is licensed by the Department or, in the opinion of the Secretary, the other business would not be contrary to the best interests of consumers and is authorized by the Secretary in writing.

(g-5) Notwithstanding subsection (g) of this Section, a licensee may obtain a license under the Consumer Installment Loan Act (CILA) for the exclusive purpose and use of making title secured loans, as defined in subsection (a) of Section 15 of CILA and governed by Title 38, Section 110.300 of the Illinois Administrative Code. A licensee may continue to service Consumer Installment Loan Act loans that were outstanding as of the effective date of this amendatory Act of the 96th General Assembly.

(h) The Secretary shall maintain a list of licensees that shall be available to interested consumers and lenders and the public. The Secretary shall maintain a toll-free number whereby consumers may obtain information about licensees. The Secretary shall also establish a complaint process under which an aggrieved consumer may file a complaint against a licensee
or non-licensee who violates any provision of this Act.

(Source: P.A. 100-958, eff. 8-19-18; 101-31, eff. 6-28-19.)

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