



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2577

Introduced 1/20/2006, by Sen. Bill Brady - Cheryl Axley,
Wendell E. Jones, Kirk W. Dillard, William E. Peterson, et al.

SYNOPSIS AS INTRODUCED:

See Index

Amends various Acts to reinstate certain fees to the levels prior to Public Acts 93-22 and 93-32. Makes conforming changes concerning those fees and related matters. Effective immediately.

LRB094 17308 BDD 52602 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

1 AN ACT concerning finance.

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

4 Section 5. The Secretary of State Act is amended by
5 changing Section 5.5 as follows:

6 (15 ILCS 305/5.5)

7 Sec. 5.5. Secretary of State fees. There shall be paid to
8 the Secretary of State the following fees:

9 For certificate or apostille, with seal: \$2.

10 For each certificate, without seal: \$1.

11 For each commission to any officer or other person (except
12 military commissions), with seal: \$2.

13 For copies of exemplifications of records, or for a
14 certified copy of any document, instrument, or paper when not
15 otherwise provided by law, and it does not exceed legal size:
16 \$0.50 per page or any portion of a page; and \$2 for the
17 certificate, with seal affixed.

18 For copies of exemplifications of records or a certified
19 copy of any document, instrument, or paper, when not otherwise
20 provided for by law, that exceeds legal size: \$1 per page or
21 any portion of a page; and \$2 for the certificate, with seal
22 affixed.

23 For copies of bills or other papers: \$0.50 per page or any
24 portion of a page; and \$2 for the certificate, with seal
25 affixed, except that there shall be no charge for making or
26 certifying copies that are furnished to any governmental agency
27 for official use.

28 For recording a duplicate of an affidavit showing the
29 appointment of trustees of a religious corporation: \$0.50; and
30 \$2 for the certificate of recording, with seal affixed.

31 For filing and recording an application under the Soil
32 Conservation Districts Law and making and issuing a certificate

1 for the application, under seal: \$10.

2 For recording any other document, instrument, or paper
3 required or permitted to be recorded with the Secretary of
4 State, which recording shall be done by any approved
5 photographic or photostatic process, if the page to be recorded
6 does not exceed legal size and the fees and charges therefor
7 are not otherwise fixed by law: \$0.50 per page or any portion
8 of a page; and \$2 for the certificate of recording, with seal
9 affixed.

10 For recording any other document, instrument, or paper
11 required or permitted to be recorded with the Secretary of
12 State, which recording shall be done by any approved
13 photographic or photostatic process, if the page to be recorded
14 exceeds legal size and the fees and charges therefor are not
15 otherwise fixed by law: \$1 per page or any portion of a page;
16 and \$2 for the certificate of recording attached to the
17 original, with seal affixed.

18 For each duplicate certified copy of a school land patent:
19 \$3.

20 For each photostatic copy of a township plat: \$2.

21 For each page of a photostatic copy of surveyors field
22 notes: \$2.

23 For each page of a photostatic copy of a state land patent,
24 including certification: \$4.

25 For each page of a photostatic copy of a swamp land grant:
26 \$2.

27 For each page of photostatic copies of all other
28 instruments or documents relating to land records: \$2.

29 For each check, money order, or bank draft returned by the
30 Secretary of State when it has not been honored: \$2 ~~\$25~~.

31 ~~For any research request received after the effective date~~
32 ~~of the changes made to this Section by this amendatory Act of~~
33 ~~the 93rd General Assembly by an out-of-State or non-Illinois~~
34 ~~resident: \$10, prepaid and nonrefundable, for which the~~
35 ~~requester will receive up to 2 unofficial noncertified copies~~
36 ~~of the records requested. The fees under this paragraph shall~~

1 ~~be deposited into the General Revenue Fund.~~

2 ~~The Illinois State Archives is authorized to charge~~
3 ~~reasonable fees to reimburse the cost of production and~~
4 ~~distribution of copies of finding aids to the records that it~~
5 ~~holds or copies of published versions or editions of those~~
6 ~~records in printed, microfilm, or electronic formats. The fees~~
7 ~~under this paragraph shall be deposited into the General~~
8 ~~Revenue Fund.~~

9 As used in this Section, "legal size" means a sheet of
10 paper that is 8.5 inches wide and 14 inches long, or written or
11 printed matter on a sheet of paper that does not exceed that
12 width and length, or either of them.

13 (Source: P.A. 93-32, eff. 1-1-04.)

14 Section 10. The Capital Development Board Act is amended by
15 changing Section 9.02a as follows:

16 (20 ILCS 3105/9.02a) (from Ch. 127, par. 779.02a)

17 (This Section is scheduled to be repealed on June 30, 2008)

18 Sec. 9.02a. To charge contract administration fees used to
19 administer and process the terms of contracts awarded by this
20 State. Contract administration fees shall not exceed 1.5% ~~3%~~ of
21 the contract amount. This Section is repealed June 30, 2008.

22 (Source: P.A. 93-32, eff. 7-1-03; 93-827, eff. 7-28-04.)

23 Section 15. The Lobbyist Registration Act is amended by
24 changing Section 5 as follows:

25 (25 ILCS 170/5)

26 Sec. 5. Lobbyist registration and disclosure. Every person
27 required to register under Section 3 shall before any service
28 is performed which requires the person to register, but in any
29 event not later than 2 business days after being employed or
30 retained, and on or before each January 31 and July 31
31 thereafter, file in the Office of the Secretary of State a
32 written statement containing the following information with

1 respect to each person or entity employing or retaining the
2 person required to register:

3 (a) The registrant's name, permanent address, e-mail
4 address, if any, fax number, if any, business telephone
5 number, and temporary address, if the registrant has a
6 temporary address while lobbying.

7 (a-5) If the registrant is an organization or business
8 entity, the information required under subsection (a) for
9 each person associated with the registrant who will be
10 lobbying, regardless of whether lobbying is a significant
11 part of his or her duties.

12 (b) The name and address of the person or persons
13 employing or retaining registrant to perform such services
14 or on whose behalf the registrant appears.

15 (c) A brief description of the executive, legislative,
16 or administrative action in reference to which such service
17 is to be rendered.

18 (c-5) Each executive and legislative branch agency the
19 registrant expects to lobby during the registration
20 period.

21 (c-6) The nature of the client's business, by
22 indicating all of the following categories that apply: (1)
23 banking and financial services, (2) manufacturing, (3)
24 education, (4) environment, (5) healthcare, (6) insurance,
25 (7) community interests, (8) labor, (9) public relations or
26 advertising, (10) marketing or sales, (11) hospitality,
27 (12) engineering, (13) information or technology products
28 or services, (14) social services, (15) public utilities,
29 (16) racing or wagering, (17) real estate or construction,
30 (18) telecommunications, (19) trade or professional
31 association, (20) travel or tourism, (21) transportation,
32 and (22) other (setting forth the nature of that other
33 business).

34 The registrant must file an amendment to the statement
35 within 14 calendar days to report any substantial change or
36 addition to the information previously filed, except that a

1 registrant must file an amendment to the statement to disclose
2 a new agreement to retain the registrant for lobbying services
3 before any service is performed which requires the person to
4 register, but in any event not later than 2 business days after
5 entering into the retainer agreement.

6 Not later than 12 months after the effective date of this
7 amendatory Act of the 93rd General Assembly, or as soon
8 thereafter as the Secretary of State has provided adequate
9 software to the persons required to file, all statements and
10 amendments to statements required to be filed shall be filed
11 electronically. The Secretary of State shall promptly make all
12 filed statements and amendments to statements publicly
13 available by means of a searchable database that is accessible
14 through the World Wide Web. The Secretary of State shall
15 provide all software necessary to comply with this provision to
16 all persons required to file. The Secretary of State shall
17 implement a plan to provide computer access and assistance to
18 persons required to file electronically.

19 Persons required to register under this Act prior to July
20 1, 2003 and on or after the the effective date of this
21 amendatory Act of the 94th General Assembly, shall remit a
22 single, annual and nonrefundable \$50 registration fee. All fees
23 collected for registrations prior to July 1, 2003, shall be
24 deposited into the Lobbyist Registration Administration Fund
25 for administration and enforcement of this Act. Beginning July
26 1, 2003 and until the effective date of this amendatory Act of
27 the 94th General Assembly, all persons other than entities
28 qualified under Section 501(c)(3) of the Internal Revenue Code
29 required to register under this Act shall remit a single,
30 annual, and nonrefundable \$350 registration fee. ~~Entities~~
31 ~~required to register under this Act which are qualified under~~
32 ~~Section 501(c)(3) of the Internal Revenue Code shall remit a~~
33 ~~single, annual, and nonrefundable \$150 registration fee.~~ Each
34 individual required to register under this Act shall submit, on
35 an annual basis, a picture of the registrant. A registrant may,
36 in lieu of submitting a picture on an annual basis, authorize

1 the Secretary of State to use any photo identification
2 available in any database maintained by the Secretary of State
3 for other purposes. Of each registration fee collected for
4 registrations on or after July 1, 2003 until the effective date
5 of this amendatory Act of the 94th General Assembly, \$50 shall
6 be deposited into the Lobbyist Registration Administration
7 Fund for administration and enforcement of this Act and is
8 intended to be used to implement and maintain electronic filing
9 of reports under this Act, the next \$100 shall be deposited
10 into the Lobbyist Registration Administration Fund for
11 administration and enforcement of this Act, and any balance
12 shall be deposited into the General Revenue Fund.

13 (Source: P.A. 93-32, eff. 7-1-03; 93-615, eff. 11-19-03;
14 93-617, eff. 12-9-03.)

15 (30 ILCS 105/8j rep.)

16 Section 20. The State Finance Act is amended by repealing
17 Section 8j.

18 Section 25. The Retailers' Occupation Tax Act is amended by
19 changing Section 2d as follows:

20 (35 ILCS 120/2d) (from Ch. 120, par. 441d)

21 Sec. 2d. Tax prepayment by motor fuel retailer. Any person
22 engaged in the business of selling motor fuel at retail, as
23 defined in the Motor Fuel Tax Law, and who is not a licensed
24 distributor or supplier, as defined in the Motor Fuel Tax Law,
25 shall prepay to his or her distributor, supplier, or other
26 reseller of motor fuel a portion of the tax imposed by this Act
27 if the distributor, supplier, or other reseller of motor fuel
28 is registered under Section 2a or Section 2c of this Act. The
29 prepayment requirement provided for in this Section does not
30 apply to liquid propane gas.

31 Beginning on July 1, 2000 and through December 31, 2000,
32 the Retailers' Occupation Tax paid to the distributor,
33 supplier, or other reseller shall be an amount equal to \$0.01

1 per gallon of the motor fuel, except gasohol as defined in
2 Section 2-10 of this Act which shall be an amount equal to
3 \$0.01 per gallon, purchased from the distributor, supplier, or
4 other reseller.

5 Before July 1, 2000 and then beginning on January 1, 2001
6 and through June 30, 2003 and beginning again on the effective
7 date of this amendatory Act of the 94th General Assembly, the
8 Retailers' Occupation Tax paid to the distributor, supplier, or
9 other reseller shall be an amount equal to \$0.04 per gallon of
10 the motor fuel, except gasohol as defined in Section 2-10 of
11 this Act which shall be an amount equal to \$0.03 per gallon,
12 purchased from the distributor, supplier, or other reseller.

13 Beginning July 1, 2003 and until the effective date of this
14 amendatory Act of the 94th General Assembly ~~thereafter~~, the
15 Retailers' Occupation Tax paid to the distributor, supplier, or
16 other reseller shall be an amount equal to \$0.06 per gallon of
17 the motor fuel, except gasohol as defined in Section 2-10 of
18 this Act which shall be an amount equal to \$0.05 per gallon,
19 purchased from the distributor, supplier, or other reseller.

20 Any person engaged in the business of selling motor fuel at
21 retail shall be entitled to a credit against tax due under this
22 Act in an amount equal to the tax paid to the distributor,
23 supplier, or other reseller.

24 Every distributor, supplier, or other reseller registered
25 as provided in Section 2a or Section 2c of this Act shall remit
26 the prepaid tax on all motor fuel that is due from any person
27 engaged in the business of selling at retail motor fuel with
28 the returns filed under Section 2f or Section 3 of this Act,
29 but the vendors discount provided in Section 3 shall not apply
30 to the amount of prepaid tax that is remitted. Any distributor
31 or supplier who fails to properly collect and remit the tax
32 shall be liable for the tax. For purposes of this Section, the
33 prepaid tax is due on invoiced gallons sold during a month by
34 the 20th day of the following month.

35 (Source: P.A. 93-32, eff. 6-20-03.)

1 Section 30. The Cigarette Tax Act is amended by changing
2 Section 29 as follows:

3 (35 ILCS 130/29) (from Ch. 120, par. 453.29)

4 Sec. 29. All moneys received by the Department from the
5 one-half mill tax imposed by the Sixty-fourth General Assembly
6 and all interest and penalties, received in connection
7 therewith under the provisions of this Act shall be paid into
8 the Metropolitan Fair and Exposition Authority Reconstruction
9 Fund. All other moneys received by the Department under this
10 Act shall be paid into the General Revenue Fund in the State
11 treasury. After there has been paid into the Metropolitan Fair
12 and Exposition Authority Reconstruction Fund sufficient money
13 to pay in full both principal and interest, all of the
14 outstanding bonds issued pursuant to the "Fair and Exposition
15 Authority Reconstruction Act", the State Treasurer and
16 Comptroller shall transfer to the General Revenue Fund the
17 balance of moneys remaining in the Metropolitan Fair and
18 Exposition Authority Reconstruction Fund except for \$2,500,000
19 which shall remain in the Metropolitan Fair and Exposition
20 Authority Reconstruction Fund and which may be appropriated by
21 the General Assembly for the corporate purposes of the
22 Metropolitan Pier and Exposition Authority. All monies
23 received by the Department in fiscal year 1978 and thereafter
24 from the one-half mill tax imposed by the Sixty-fourth General
25 Assembly, and all interest and penalties received in connection
26 therewith under the provisions of this Act, shall be paid into
27 the General Revenue Fund, except that the Department shall pay
28 the first \$4,800,000 received in fiscal years 1979 through 2001
29 from that one-half mill tax into the Metropolitan Fair and
30 Exposition Authority Reconstruction Fund which monies may be
31 appropriated by the General Assembly for the corporate purposes
32 of the Metropolitan Pier and Exposition Authority.

33 In fiscal year 2002 and fiscal year 2003 and in fiscal year
34 2007 and thereafter, the first \$4,800,000 from the one-half
35 mill tax shall be paid into the Statewide Economic Development

1 Fund.

2 All moneys received by the Department in fiscal year 2006
3 ~~and thereafter~~ from the one-half mill tax imposed by the 64th
4 General Assembly and all interest and penalties received in
5 connection with that tax under the provisions of this Act shall
6 be paid into the General Revenue Fund.

7 (Source: P.A. 93-22, eff. 6-20-03; 94-91, eff. 7-1-05.)

8 Section 35. The Motor Fuel Tax Law is amended by changing
9 Sections 2b, 6, and 6a, as follows:

10 (35 ILCS 505/2b) (from Ch. 120, par. 418b)

11 Sec. 2b. In addition to the tax collection and reporting
12 responsibilities imposed elsewhere in this Act, a person who is
13 required to pay the tax imposed by Section 2a of this Act shall
14 pay the tax to the Department by return showing all fuel
15 purchased, acquired or received and sold, distributed or used
16 during the preceding calendar month including losses of fuel as
17 the result of evaporation or shrinkage due to temperature
18 variations, and such other reasonable information as the
19 Department may require. Losses of fuel as the result of
20 evaporation or shrinkage due to temperature variations may not
21 exceed 1% of the total gallons in storage at the beginning of
22 the month, plus the receipts of gallonage during the month,
23 minus the gallonage remaining in storage at the end of the
24 month. Any loss reported that is in excess of this amount shall
25 be subject to the tax imposed by Section 2a of this Law. On and
26 after July 1, 2001, for each 6-month period January through
27 June, net losses of fuel (for each category of fuel that is
28 required to be reported on a return) as the result of
29 evaporation or shrinkage due to temperature variations may not
30 exceed 1% of the total gallons in storage at the beginning of
31 each January, plus the receipts of gallonage each January
32 through June, minus the gallonage remaining in storage at the
33 end of each June. On and after July 1, 2001, for each 6-month
34 period July through December, net losses of fuel (for each

1 category of fuel that is required to be reported on a return)
2 as the result of evaporation or shrinkage due to temperature
3 variations may not exceed 1% of the total gallons in storage at
4 the beginning of each July, plus the receipts of gallonage each
5 July through December, minus the gallonage remaining in storage
6 at the end of each December. Any net loss reported that is in
7 excess of this amount shall be subject to the tax imposed by
8 Section 2a of this Law. For purposes of this Section, "net
9 loss" means the number of gallons gained through temperature
10 variations minus the number of gallons lost through temperature
11 variations or evaporation for each of the respective 6-month
12 periods.

13 The return shall be prescribed by the Department and shall
14 be filed between the 1st and 20th days of each calendar month.
15 The Department may, in its discretion, combine the returns
16 filed under this Section, Section 5, and Section 5a of this
17 Act. The return must be accompanied by appropriate
18 computer-generated magnetic media supporting schedule data in
19 the format required by the Department, unless, as provided by
20 rule, the Department grants an exception upon petition of a
21 taxpayer. If the return is filed timely, the seller shall take
22 a discount of 2% through June 30, 2003 and beginning again on
23 the effective date of this amendatory Act of the 94th General
24 Assembly and 1.75% for the period beginning on July 1, 2003
25 until the effective date of this amendatory Act of the 94th
26 General Assembly ~~thereafter~~ which is allowed to reimburse the
27 seller for the expenses incurred in keeping records, preparing
28 and filing returns, collecting and remitting the tax and
29 supplying data to the Department on request. The discount,
30 however, shall be applicable only to the amount of payment
31 which accompanies a return that is filed timely in accordance
32 with this Section.

33 (Source: P.A. 92-30, eff. 7-1-01; 93-32, eff. 6-20-03.)

34 (35 ILCS 505/6) (from Ch. 120, par. 422)

35 Sec. 6. Collection of tax; distributors. A distributor who

1 sells or distributes any motor fuel, which he is required by
2 Section 5 to report to the Department when filing a return,
3 shall (except as hereinafter provided) collect at the time of
4 such sale and distribution, the amount of tax imposed under
5 this Act on all such motor fuel sold and distributed, and at
6 the time of making a return, the distributor shall pay to the
7 Department the amount so collected less a discount of 2%
8 through June 30, 2003 and beginning again on the effective date
9 of this amendatory Act of the 94th General Assembly and 1.75%
10 for the period beginning on July 1, 2003 until the effective
11 date of this amendatory Act of the 94th General Assembly
12 ~~thereafter~~ which is allowed to reimburse the distributor for
13 the expenses incurred in keeping records, preparing and filing
14 returns, collecting and remitting the tax and supplying data to
15 the Department on request, and shall also pay to the Department
16 an amount equal to the amount that would be collectible as a
17 tax in the event of a sale thereof on all such motor fuel used
18 by said distributor during the period covered by the return.
19 However, no payment shall be made based upon dyed diesel fuel
20 used by the distributor for non-highway purposes. The discount
21 shall only be applicable to the amount of tax payment which
22 accompanies a return which is filed timely in accordance with
23 Section 5 of this Act. In each subsequent sale of motor fuel on
24 which the amount of tax imposed under this Act has been
25 collected as provided in this Section, the amount so collected
26 shall be added to the selling price, so that the amount of tax
27 is paid ultimately by the user of the motor fuel. However, no
28 collection or payment shall be made in the case of the sale or
29 use of any motor fuel to the extent to which such sale or use of
30 motor fuel may not, under the constitution and statutes of the
31 United States, be made the subject of taxation by this State. A
32 person whose license to act as a distributor of fuel has been
33 revoked shall, at the time of making a return, also pay to the
34 Department an amount equal to the amount that would be
35 collectible as a tax in the event of a sale thereof on all
36 motor fuel, which he is required by the second paragraph of

1 Section 5 to report to the Department in making a return, and
2 which he had on hand on the date on which the license was
3 revoked, and with respect to which no tax had been previously
4 paid under this Act.

5 A distributor may make tax free sales of motor fuel, with
6 respect to which he is otherwise required to collect the tax,
7 when the motor fuel is delivered from a dispensing facility
8 that has withdrawal facilities capable of dispensing motor fuel
9 into the fuel supply tanks of motor vehicles only as specified
10 in the following items 3, 4, and 5. A distributor may make
11 tax-free sales of motor fuel, with respect to which he is
12 otherwise required to collect the tax, when the motor fuel is
13 delivered from other facilities only as specified in the
14 following items 1 through 7.

15 1. When the sale is made to a person holding a valid
16 unrevoked license as a distributor, by making a specific
17 notation thereof on invoices or sales slip covering each
18 sale.

19 2. When the sale is made with delivery to a purchaser
20 outside of this State.

21 3. When the sale is made to the Federal Government or
22 its instrumentalities.

23 4. When the sale is made to a municipal corporation
24 owning and operating a local transportation system for
25 public service in this State when an official certificate
26 of exemption is obtained in lieu of the tax.

27 5. When the sale is made to a privately owned public
28 utility owning and operating 2 axle vehicles designed and
29 used for transporting more than 7 passengers, which
30 vehicles are used as common carriers in general
31 transportation of passengers, are not devoted to any
32 specialized purpose and are operated entirely within the
33 territorial limits of a single municipality or of any group
34 of contiguous municipalities, or in a close radius thereof,
35 and the operations of which are subject to the regulations
36 of the Illinois Commerce Commission, when an official

1 certificate of exemption is obtained in lieu of the tax.

2 6. When a sale of special fuel is made to a person
3 holding a valid, unrevoked license as a supplier, by making
4 a specific notation thereof on the invoice or sales slip
5 covering each such sale.

6 7. When a sale of special fuel is made to someone other
7 than a licensed distributor or a licensed supplier for a
8 use other than in motor vehicles, by making a specific
9 notation thereof on the invoice or sales slip covering such
10 sale and obtaining such supporting documentation as may be
11 required by the Department. The distributor shall obtain
12 and keep the supporting documentation in such form as the
13 Department may require by rule.

14 8. (Blank).

15 All special fuel sold or used for non-highway purposes must
16 have a dye added in accordance with Section 4d of this Law.

17 All suits or other proceedings brought for the purpose of
18 recovering any taxes, interest or penalties due the State of
19 Illinois under this Act may be maintained in the name of the
20 Department.

21 (Source: P.A. 93-32, eff. 6-20-03.)

22 (35 ILCS 505/6a) (from Ch. 120, par. 422a)

23 Sec. 6a. Collection of tax; suppliers. A supplier, other
24 than a licensed distributor, who sells or distributes any
25 special fuel, which he is required by Section 5a to report to
26 the Department when filing a return, shall (except as
27 hereinafter provided) collect at the time of such sale and
28 distribution, the amount of tax imposed under this Act on all
29 such special fuel sold and distributed, and at the time of
30 making a return, the supplier shall pay to the Department the
31 amount so collected less a discount of 2% through June 30, 2003
32 and beginning again on the effective date of this amendatory
33 Act of the 94th General Assembly and 1.75% for the period
34 beginning on July 1, 2003 until the effective date of this
35 amendatory Act of the 94th General Assembly thereafter which is

1 allowed to reimburse the supplier for the expenses incurred in
2 keeping records, preparing and filing returns, collecting and
3 remitting the tax and supplying data to the Department on
4 request, and shall also pay to the Department an amount equal
5 to the amount that would be collectible as a tax in the event
6 of a sale thereof on all such special fuel used by said
7 supplier during the period covered by the return. However, no
8 payment shall be made based upon dyed diesel fuel used by said
9 supplier for non-highway purposes. The discount shall only be
10 applicable to the amount of tax payment which accompanies a
11 return which is filed timely in accordance with Section 5(a) of
12 this Act. In each subsequent sale of special fuel on which the
13 amount of tax imposed under this Act has been collected as
14 provided in this Section, the amount so collected shall be
15 added to the selling price, so that the amount of tax is paid
16 ultimately by the user of the special fuel. However, no
17 collection or payment shall be made in the case of the sale or
18 use of any special fuel to the extent to which such sale or use
19 of motor fuel may not, under the Constitution and statutes of
20 the United States, be made the subject of taxation by this
21 State.

22 A person whose license to act as supplier of special fuel
23 has been revoked shall, at the time of making a return, also
24 pay to the Department an amount equal to the amount that would
25 be collectible as a tax in the event of a sale thereof on all
26 special fuel, which he is required by the 1st paragraph of
27 Section 5a to report to the Department in making a return.

28 A supplier may make tax-free sales of special fuel, with
29 respect to which he is otherwise required to collect the tax,
30 when the motor fuel is delivered from a dispensing facility
31 that has withdrawal facilities capable of dispensing special
32 fuel into the fuel supply tanks of motor vehicles only as
33 specified in the following items 1, 2, and 3. A supplier may
34 make tax-free sales of special fuel, with respect to which he
35 is otherwise required to collect the tax, when the special fuel
36 is delivered from other facilities only as specified in the

1 following items 1 through 7.

2 1. When the sale is made to the federal government or
3 its instrumentalities.

4 2. When the sale is made to a municipal corporation
5 owning and operating a local transportation system for
6 public service in this State when an official certificate
7 of exemption is obtained in lieu of the tax.

8 3. When the sale is made to a privately owned public
9 utility owning and operating 2 axle vehicles designed and
10 used for transporting more than 7 passengers, which
11 vehicles are used as common carriers in general
12 transportation of passengers, are not devoted to any
13 specialized purpose and are operated entirely within the
14 territorial limits of a single municipality or of any group
15 of contiguous municipalities, or in a close radius thereof,
16 and the operations of which are subject to the regulations
17 of the Illinois Commerce Commission, when an official
18 certificate of exemption is obtained in lieu of the tax.

19 4. When a sale of special fuel is made to a person
20 holding a valid unrevoked license as a supplier or a
21 distributor by making a specific notation thereof on
22 invoice or sales slip covering each such sale.

23 5. When a sale of special fuel is made to someone other
24 than a licensed distributor or licensed supplier for a use
25 other than in motor vehicles, by making a specific notation
26 thereof on the invoice or sales slip covering such sale and
27 obtaining such supporting documentation as may be required
28 by the Department. The supplier shall obtain and keep the
29 supporting documentation in such form as the Department may
30 require by rule.

31 6. (Blank).

32 7. When a sale of special fuel is made to a person
33 where delivery is made outside of this State.

34 All special fuel sold or used for non-highway purposes must
35 have a dye added in accordance with Section 4d of this Law.

36 All suits or other proceedings brought for the purpose of

1 recovering any taxes, interest or penalties due the State of
2 Illinois under this Act may be maintained in the name of the
3 Department.

4 (Source: P.A. 92-30, eff. 7-1-01; 93-32, eff. 6-20-03.)

5 Section 40. The Coin-Operated Amusement Device and
6 Redemption Machine Tax Act is amended by changing Section 1, 2,
7 3, and 4b as follows:

8 (35 ILCS 510/1) (from Ch. 120, par. 481b.1)

9 Sec. 1. There is imposed, on the privilege of operating
10 every coin-in-the-slot-operated amusement device, including a
11 device operated or operable by insertion of coins, tokens,
12 chips or similar objects, in this State which returns to the
13 player thereof no money or property or right to receive money
14 or property, and on the privilege of operating in this State a
15 redemption machine as defined in Section 28-2 of the Criminal
16 Code of 1961, a ~~an annual~~ privilege tax of \$15 ~~\$30~~ for each
17 device for which a license was issued for a period beginning on
18 or after August 1 of any year and prior to ~~February~~ ~~August~~ 1 of
19 the succeeding year. A privilege tax of \$8 is imposed on the
20 privilege of operating such a device for which a license was
21 issued for a period beginning or or after February 1 of any
22 year and ending July 31 of that year.

23 (Source: P.A. 93-32, eff. 7-1-03.)

24 (35 ILCS 510/2) (from Ch. 120, par. 481b.2)

25 Sec. 2. (a) Any person, firm, limited liability company, or
26 corporation which displays any device described in Section 1,
27 to be played or operated by the public at any place owned or
28 leased by any such person, firm, limited liability company, or
29 corporation, shall before he displays such device, file in the
30 Office of the Department of Revenue an application for a
31 license for a ~~form containing information regarding~~ such device
32 properly sworn to, setting forth his name and address, with a
33 brief description of the device to be displayed and the

1 premises where such device will be located, together with such
2 other relevant data as the Department of Revenue may require.
3 Such application for a license ~~form~~ shall be accompanied by the
4 required license ~~privilege~~ tax for each device. Such license
5 ~~privilege~~ tax shall be paid to the Department of Revenue of the
6 State of Illinois and all monies received by the Department of
7 Revenue under this Act shall be paid into the General Revenue
8 Fund in the State Treasury. The Department of Revenue shall
9 supply and deliver to the person, firm, limited liability
10 company, or corporation which displays any device described in
11 Section 1, charges prepaid and without additional cost, one
12 license tag ~~privilege tax decal~~ for each such device on which
13 an application is made ~~the tax has been paid~~, stating the year
14 for which issued. Such license tag ~~privilege tax decal~~ shall
15 thereupon be securely affixed to such device.

16 (b) If an amount of tax, penalty, or interest has been paid
17 in error to the Department, the taxpayer may file a claim for
18 credit or refund with the Department. If it is determined that
19 the Department must issue a credit or refund under this Act,
20 the Department may first apply the amount of the credit or
21 refund due against any amount of tax, penalty, or interest due
22 under this Act from the taxpayer entitled to the credit or
23 refund. If proceedings are pending to determine if any tax,
24 penalty, or interest is due under this Act from the taxpayer,
25 the Department may withhold issuance of the credit or refund
26 pending the final disposition of those proceedings and may
27 apply that credit or refund against any amount determined to be
28 due to the Department as a result of those proceedings. The
29 balance, if any, of the credit or refund shall be paid to the
30 taxpayer.

31 If no tax, penalty, or interest is due and no proceedings
32 are pending to determine whether the taxpayer is indebted to
33 the Department for tax, penalty, or interest, the credit
34 memorandum or refund shall be issued to the taxpayer; or, the
35 credit memorandum may be assigned by the taxpayer, subject to
36 reasonable rules of the Department, to any other person who is

1 subject to this Act, and the amount of the credit memorandum by
2 the Department against any tax, penalty, or interest due or to
3 become due under this Act from the assignee.

4 For any claim for credit or refund filed with the
5 Department on or after each July 1, no amount erroneously paid
6 more than 3 years before that July 1, shall be credited or
7 refunded.

8 A claim for credit or refund shall be filed on a form
9 provided by the Department. As soon as practicable after any
10 claim for credit or refund is filed, the Department shall
11 determine the amount of credit or refund to which the claimant
12 is entitled and shall notify the claimant of that
13 determination.

14 A claim for credit or refund shall be filed with the
15 Department on the date it is received by the Department. Upon
16 receipt of any claim for credit or refund filed under this
17 Section, an officer or employee of the Department, authorized
18 by the Director of Revenue to acknowledge receipt of such
19 claims on behalf of the Department, shall deliver or mail to
20 the claimant or his duly authorized agent, a written receipt,
21 acknowledging that the claim has been filed with the
22 Department, describing the claim in sufficient detail to
23 identify it, and stating the date on which the claim was
24 received by the Department. The written receipt shall be prima
25 facie evidence that the Department received the claim described
26 in the receipt and shall be prima facie evidence of the date
27 when such claim was received by the Department. In the absence
28 of a written receipt, the records of the Department as to
29 whether a claim was received, or when the claim was received by
30 the Department, shall be deemed to be prima facie correct in
31 the event of any dispute between the claimant, or his legal
32 representative, and the Department on these issues.

33 Any credit or refund that is allowed under this Article
34 shall bear interest at the rate and in the manner specified in
35 the Uniform Penalty and Interest Act.

36 If the Department determines that the claimant is entitled

1 to a refund, the refund shall be made only from an
2 appropriation to the Department for that purpose. If the amount
3 appropriated is insufficient to pay claimants electing to
4 receive a cash refund, the Department by rule or regulation
5 shall first provide for the payment of refunds in hardship
6 cases as defined by the Department.

7 (Source: P.A. 93-32, eff. 7-1-03.)

8 (35 ILCS 510/3) (from Ch. 120, par. 481b.3)

9 Sec. 3. (1) All licenses ~~privilege tax decals~~ herein
10 provided for shall be transferable from one device to another
11 device. Any such transfer from one device to another shall be
12 reported to the Department of Revenue on forms prescribed by
13 such Department. All licenses ~~privilege tax decals~~ issued
14 hereunder shall expire on July 31 following issuance.

15 (2) (Blank).

16 (Source: P.A. 93-32, eff. 7-1-03.)

17 (35 ILCS 510/4b) (from Ch. 120, par. 481b.4b)

18 Sec. 4b. The Department of Revenue is hereby authorized to
19 implement a program whereby the licenses ~~privilege tax decals~~
20 required by and the taxes imposed by this Act may be
21 distributed and collected on behalf of the Department by State
22 or national banks and by State or federal savings and loan
23 associations. The Department shall promulgate such rules and
24 regulations as are reasonable and necessary to establish the
25 system of collection of taxes and distribution of licenses
26 ~~privilege tax decals~~ authorized by this Section. Such rules and
27 regulations shall provide for the licensing of such financial
28 institutions, specification of information to be disclosed in
29 an application therefor and the imposition of a license fee not
30 in excess of \$100 annually.

31 (Source: P.A. 93-32, eff. 7-1-03.)

32 Section 45. The Illinois Pension Code is amended by
33 changing Section 1A-112 as follows:

1 (40 ILCS 5/1A-112)

2 Sec. 1A-112. Fees.

3 (a) Every pension fund that is required to file an annual
4 statement under Section 1A-109 shall pay to the Department an
5 annual compliance fee. In the case of a pension fund under
6 Article 3 or 4 of this Code, the annual compliance fee shall be
7 0.007% ~~0.02%~~ (0.7 ~~2~~ basis points) of the total assets of the
8 pension fund, as reported in the most current annual statement
9 of the fund, but not more than \$6,000 ~~\$8,000~~. In the case of
10 all other pension funds and retirement systems, the annual
11 compliance fee shall be \$6,000 ~~\$8,000~~.

12 (b) The annual compliance fee shall be due on June 30 for
13 the following State fiscal year, except that the fee payable in
14 1997 for fiscal year 1998 shall be due no earlier than 30 days
15 following the effective date of this amendatory Act of 1997.

16 (c) Any information obtained by the Division that is
17 available to the public under the Freedom of Information Act
18 and is either compiled in published form or maintained on a
19 computer processible medium shall be furnished upon the written
20 request of any applicant and the payment of a reasonable
21 information services fee established by the Director,
22 sufficient to cover the total cost to the Division of
23 compiling, processing, maintaining, and generating the
24 information. The information may be furnished by means of
25 published copy or on a computer processed or computer
26 processible medium.

27 No fee may be charged to any person for information that
28 the Division is required by law to furnish to that person.

29 (d) Except as otherwise provided in this Section, all fees
30 and penalties collected by the Department under this Code shall
31 be deposited into the Public Pension Regulation Fund.

32 (e) Fees collected under subsection (c) of this Section and
33 money collected under Section 1A-107 shall be deposited into
34 the Department's Statistical Services Revolving Fund and
35 credited to the account of the Public Pension Division. This

1 income shall be used exclusively for the purposes set forth in
 2 Section 1A-107. Notwithstanding the provisions of Section
 3 408.2 of the Illinois Insurance Code, no surplus funds
 4 remaining in this account shall be deposited in the Insurance
 5 Financial Regulation Fund. All money in this account that the
 6 Director certifies is not needed for the purposes set forth in
 7 Section 1A-107 of this Code shall be transferred to the Public
 8 Pension Regulation Fund.

9 (f) Nothing in this Code prohibits the General Assembly
 10 from appropriating funds from the General Revenue Fund to the
 11 Department for the purpose of administering or enforcing this
 12 Code.

13 (Source: P.A. 93-32, eff. 7-1-03.)

14 Section 50. The Illinois Savings and Loan Act of 1985 is
 15 amended by changing Section 2B-6 as follows:

16 (205 ILCS 105/2B-6) (from Ch. 17, par. 3302B-6)

17 Sec. 2B-6. Foreign savings and loan associations shall pay
 18 to the Commissioner the following fees that shall be paid into
 19 the Savings and Residential Finance Regulatory Fund, to wit:
 20 For filing each application for admission to do business in
 21 this State, \$750 ~~\$1,125~~; and for each certificate of authority
 22 and annual renewal of same, \$200 ~~\$300~~.

23 (Source: P.A. 93-32, eff. 7-1-03.)

24 Section 55. The Illinois Credit Union Act is amended by
 25 changing Section 12 as follows:

26 (205 ILCS 305/12) (from Ch. 17, par. 4413)

27 Sec. 12. Regulatory fees.

28 (1) A credit union regulated by the Department shall pay a
 29 regulatory fee to the Department based upon its total assets as
 30 shown by its Year-end Call Report at the following rates:

31	TOTAL ASSETS	REGULATORY FEE
32	\$25,000 or less	\$100

1 Over \$25,000 and not over
2 \$100,000 \$100 plus \$4 per
3 \$1,000 of assets in excess of
4 \$25,000
5 Over \$100,000 and not over
6 \$200,000 \$400 plus \$3 per
7 \$1,000 of assets in excess of
8 \$100,000
9 Over \$200,000 and not over
10 \$500,000 \$700 plus \$2 per
11 \$1,000 of assets in excess of
12 \$200,000
13 Over \$500,000 and not over
14 \$1,000,000 \$1,300 plus \$1.40
15 per \$1,000 of assets in excess
16 of \$500,000
17 Over \$1,000,000 and not
18 over \$5,000,000 \$2,000 plus \$0.50
19 per \$1,000 of assets in
20 excess of \$1,000,000
21 Over \$5,000,000 and not
22 over \$30,000,000 \$4,000 ~~\$5,080~~ plus \$0.35 ~~\$0.44~~
23 per \$1,000 assets
24 in excess of \$5,000,000
25 Over \$30,000,000 and not
26 \$12,750 ~~\$16,192~~ plus \$0.30
27 over \$100,000,000 ~~\$0.38~~
28 per \$1,000 of assets in
29 excess of \$30,000,000
30 Over \$100,000,000 and not
31 \$33,750 ~~\$42,862~~ plus \$0.15
32 over \$500,000,000 ~~\$0.19~~
33 per \$1,000 of assets in
34 excess of \$100,000,000
35 Over \$500,000,000 \$140,625 plus \$0.075
36 per \$1,000 of assets in

1 excess of \$500,000,000

2 (2) The Director shall review the regulatory fee schedule
3 in subsection (1) and the projected earnings on those fees on
4 an annual basis and adjust the fee schedule no more than 5%
5 annually if necessary to defray the estimated administrative
6 and operational expenses of the Department as defined in
7 subsection (5). The Director shall provide credit unions with
8 written notice of any adjustment made in the regulatory fee
9 schedule.

10 (3) Not later than March 1 of each calendar year, a credit
11 union shall pay to the Department a regulatory fee for that
12 calendar year in accordance with the regulatory fee schedule in
13 subsection (1), on the basis of assets as of the Year-end Call
14 Report of the preceding year. The regulatory fee shall not be
15 less than \$100 or more than \$125,000 ~~\$187,500~~, provided that
16 the regulatory fee cap of \$125,000 ~~\$187,500~~ shall be adjusted
17 to incorporate the same percentage increase as the Director
18 makes in the regulatory fee schedule from time to time under
19 subsection (2). No regulatory fee shall be collected from a
20 credit union until it has been in operation for one year.

21 (4) The aggregate of all fees collected by the Department
22 under this Act shall be paid promptly after they are received,
23 accompanied by a detailed statement thereof, into the State
24 Treasury and shall be set apart in the Credit Union Fund, a
25 special fund hereby created in the State treasury. The amount
26 from time to time deposited in the Credit Union Fund and shall
27 be used to offset the ordinary administrative and operational
28 expenses of the Department under this Act. All earnings
29 received from investments of funds in the Credit Union Fund
30 shall be deposited into the Credit Union Fund and may be used
31 for the same purposes as fees deposited into that Fund. Moneys
32 in the Credit Union Fund may be transferred to the Professions
33 Indirect Cost Fund, as authorized under Section 2105-300 of the
34 Department of Professional Regulation Law of the Civil
35 Administrative Code of Illinois.

36 (5) The administrative and operational expenses for any

1 calendar year shall mean the ordinary and contingent expenses
2 for that year incidental to making the examinations provided
3 for by, and for administering, this Act, including all salaries
4 and other compensation paid for personal services rendered for
5 the State by officers or employees of the State to enforce this
6 Act; all expenditures for telephone and telegraph charges,
7 postage and postal charges, office supplies and services,
8 furniture and equipment, office space and maintenance thereof,
9 travel expenses and other necessary expenses; all to the extent
10 that such expenditures are directly incidental to such
11 examination or administration.

12 (6) When the aggregate of all fees collected by the
13 Department under this Act and all earnings thereon for any
14 calendar year exceeds 150% of the total administrative and
15 operational expenses under this Act for that year, such excess
16 shall be credited to credit unions and applied against their
17 regulatory fees for the subsequent year. The amount credited to
18 a credit union shall be in the same proportion as the fee paid
19 by such credit union for the calendar year in which the excess
20 is produced bears to the aggregate of the fees collected by the
21 Department under this Act for the same year.

22 (7) Examination fees for the year 2000 statutory
23 examinations paid pursuant to the examination fee schedule in
24 effect at that time shall be credited toward the regulatory fee
25 to be assessed the credit union in calendar year 2001.

26 (8) Nothing in this Act shall prohibit the General Assembly
27 from appropriating funds to the Department from the General
28 Revenue Fund for the purpose of administering this Act.

29 (Source: P.A. 93-32, eff. 7-1-03; 93-652, eff. 1-8-04; 94-91,
30 eff. 7-1-05.)

31 Section 60. The Currency Exchange Act is amended by
32 changing Section 16 as follows:

33 (205 ILCS 405/16) (from Ch. 17, par. 4832)

34 Sec. 16. Annual report; investigation; costs. Each

1 licensee shall annually, on or before the 1st day of March,
2 file a report with the Director for the calendar year period
3 from January 1st through December 31st, except that the report
4 filed on or before March 15, 1990 shall cover the period from
5 October 1, 1988 through December 31, 1989, (which shall be used
6 only for the official purposes of the Director) giving such
7 relevant information as the Director may reasonably require
8 concerning, and for the purpose of examining, the business and
9 operations during the preceding fiscal year period of each
10 licensed currency exchange conducted by such licensee within
11 the State. Such report shall be made under oath and shall be in
12 the form prescribed by the Director and the Director may at any
13 time and shall at least once in each year investigate the
14 currency exchange business of any licensee and of every person,
15 partnership, association, limited liability company, and
16 corporation who or which shall be engaged in the business of
17 operating a currency exchange. For that purpose, the Director
18 shall have free access to the offices and places of business
19 and to such records of all such persons, firms, partnerships,
20 associations, limited liability companies and members thereof,
21 and corporations and to the officers and directors thereof that
22 shall relate to such currency exchange business. The
23 investigation may be conducted in conjunction with
24 representatives of other State agencies or agencies of another
25 state or of the United States as determined by the Director.
26 The Director may at any time inspect the locations served by an
27 ambulatory currency exchange, for the purpose of determining
28 whether such currency exchange is complying with the provisions
29 of this Act at each location served. The Director may require
30 by subpoena the attendance of and examine under oath all
31 persons whose testimony he may require relative to such
32 business, and in such cases the Director, or any qualified
33 representative of the Director whom the Director may designate,
34 may administer oaths to all such persons called as witnesses,
35 and the Director, or any such qualified representative of the
36 Director, may conduct such examinations, and there shall be

1 paid to the Director for each such examination a fee of \$150
2 ~~\$225~~ for each day or part thereof for each qualified
3 representative designated and required to conduct the
4 examination; provided, however, that in the case of an
5 ambulatory currency exchange, such fee shall be \$75 for each
6 day or part thereof and shall not be increased by reason of the
7 number of locations served by it.

8 (Source: P.A. 92-398, eff. 1-1-02; 93-32, eff. 7-1-03.)

9 Section 65. The Residential Mortgage License Act of 1987 is
10 amended by changing Sections 2-2 and 2-6 as follows:

11 (205 ILCS 635/2-2) (from Ch. 17, par. 2322-2)

12 Sec. 2-2. Application process; investigation; fee.

13 (a) The Commissioner shall issue a license upon completion
14 of all of the following:

15 (1) The filing of an application for license.

16 (2) The filing with the Commissioner of a listing of
17 judgments entered against, and bankruptcy petitions by,
18 the license applicant for the preceding 10 years.

19 (3) The payment, in certified funds, of investigation
20 and application fees, the total of which shall be in an
21 amount equal to \$1,800 ~~\$2,700~~ annually, however, the
22 Commissioner may increase the investigation and
23 application fees by rule as provided in Section 4-11.

24 (4) Except for a broker applying to renew a license,
25 the filing of an audited balance sheet including all
26 footnotes prepared by a certified public accountant in
27 accordance with generally accepted accounting principles
28 and generally accepted auditing principles which evidences
29 that the applicant meets the net worth requirements of
30 Section 3-5.

31 (5) The filing of proof satisfactory to the
32 Commissioner that the applicant, the members thereof if the
33 applicant is a partnership or association, the members or
34 managers thereof that retain any authority or

1 responsibility under the operating agreement if the
2 applicant is a limited liability company, or the officers
3 thereof if the applicant is a corporation have 3 years
4 experience preceding application in real estate finance.
5 Instead of this requirement, the applicant and the
6 applicant's officers or members, as applicable, may
7 satisfactorily complete a program of education in real
8 estate finance and fair lending, as approved by the
9 Commissioner, prior to receiving the initial license. The
10 Commissioner shall promulgate rules regarding proof of
11 experience requirements and educational requirements and
12 the satisfactory completion of those requirements. The
13 Commissioner may establish by rule a list of duly licensed
14 professionals and others who may be exempt from this
15 requirement.

16 (6) An investigation of the averments required by
17 Section 2-4, which investigation must allow the
18 Commissioner to issue positive findings stating that the
19 financial responsibility, experience, character, and
20 general fitness of the license applicant and of the members
21 thereof if the license applicant is a partnership or
22 association, of the officers and directors thereof if the
23 license applicant is a corporation, and of the managers and
24 members that retain any authority or responsibility under
25 the operating agreement if the license applicant is a
26 limited liability company are such as to command the
27 confidence of the community and to warrant belief that the
28 business will be operated honestly, fairly and efficiently
29 within the purpose of this Act. If the Commissioner shall
30 not so find, he or she shall not issue such license, and he
31 or she shall notify the license applicant of the denial.

32 The Commissioner may impose conditions on a license if the
33 Commissioner determines that the conditions are necessary or
34 appropriate. These conditions shall be imposed in writing and
35 shall continue in effect for the period prescribed by the
36 Commissioner.

1 (b) All licenses shall be issued in duplicate with one copy
2 being transmitted to the license applicant and the second being
3 retained with the Commissioner.

4 Upon receipt of such license, a residential mortgage
5 licensee shall be authorized to engage in the business
6 regulated by this Act. Such license shall remain in full force
7 and effect until it expires without renewal, is surrendered by
8 the licensee or revoked or suspended as hereinafter provided.

9 (Source: P.A. 93-32, eff. 7-1-03; 93-1018, eff. 1-1-05.)

10 (205 ILCS 635/2-6) (from Ch. 17, par. 2322-6)

11 Sec. 2-6. License issuance and renewal; fee.

12 (a) Beginning July 1, 2003, licenses shall be renewed every
13 year on the anniversary of the date of issuance of the original
14 license. Properly completed renewal application forms and
15 filing fees must be received by the Commissioner 60 days prior
16 to the renewal date.

17 (b) It shall be the responsibility of each licensee to
18 accomplish renewal of its license; failure of the licensee to
19 receive renewal forms absent a request sent by certified mail
20 for such forms will not waive said responsibility. Failure by a
21 licensee to submit a properly completed renewal application
22 form and fees in a timely fashion, absent a written extension
23 from the Commissioner, will result in the assessment of
24 additional fees, as follows:

25 (1) A fee of \$500 ~~\$750~~ will be assessed to the licensee
26 30 days after the proper renewal date and \$1,000 ~~\$1,500~~
27 each month thereafter, until the license is either renewed
28 or expires pursuant to Section 2-6, subsections (c) and
29 (d), of this Act.

30 (2) Such fee will be assessed without prior notice to
31 the licensee, but will be assessed only in cases wherein
32 the Commissioner has in his or her possession documentation
33 of the licensee's continuing activity for which the
34 unrenewed license was issued.

35 (c) A license which is not renewed by the date required in

1 this Section shall automatically become inactive. No activity
2 regulated by this Act shall be conducted by the licensee when a
3 license becomes inactive. The Commissioner may require the
4 licensee to provide a plan for the disposition of any
5 residential mortgage loans not closed or funded when the
6 license becomes inactive. The Commissioner may allow a licensee
7 with an inactive license to conduct activities regulated by
8 this Act for the sole purpose of assisting borrowers in the
9 closing or funding of loans for which the loan application was
10 taken from a borrower while the license was active. An inactive
11 license may be reactivated by the Commissioner upon payment of
12 the renewal fee, and payment of a reactivation fee equal to the
13 renewal fee.

14 (d) A license which is not renewed within one year of
15 becoming inactive shall expire.

16 (e) A licensee ceasing an activity or activities regulated
17 by this Act and desiring to no longer be licensed shall so
18 inform the Commissioner in writing and, at the same time,
19 convey the license and all other symbols or indicia of
20 licensure. The licensee shall include a plan for the withdrawal
21 from regulated business, including a timetable for the
22 disposition of the business. Upon receipt of such written
23 notice, the Commissioner shall issue a certified statement
24 canceling the license.

25 (Source: P.A. 93-32, eff. 7-1-03; 93-561, eff. 1-1-04; 93-1018,
26 eff. 1-1-05.)

27 Section 70. The Consumer Installment Loan Act is amended by
28 changing Section 2 as follows:

29 (205 ILCS 670/2) (from Ch. 17, par. 5402)

30 Sec. 2. Application; fees; positive net worth. Application
31 for such license shall be in writing, and in the form
32 prescribed by the Director. Such applicant at the time of
33 making such application shall pay to the Director the sum of
34 \$300 as an application fee and the additional sum of \$300 ~~\$450~~

1 as an annual license fee, for a period terminating on the last
2 day of the current calendar year; provided that if the
3 application is filed after June 30th in any year, such license
4 fee shall be 1/2 of the annual license fee for such year.

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

20 (Source: P.A. 92-398, eff. 1-1-02; 93-32, eff. 7-1-03.)

21 Section 75. The Nursing Home Care Act is amended by
22 changing Section 3-103 as follows:

23 (210 ILCS 45/3-103) (from Ch. 111 1/2, par. 4153-103)

24 Sec. 3-103. The procedure for obtaining a valid license
25 shall be as follows:

26 (1) Application to operate a facility shall be made to the
27 Department on forms furnished by the Department.

28 (2) All applications, except those of homes for the aged,
29 shall be accompanied by an application fee of \$200 for an
30 annual license and \$400 for a 2-year license. The fee shall be
31 deposited with the State Treasurer into the Long Term Care
32 Monitor/Receiver Fund, which is hereby created as a special
33 fund in the State Treasury. All license applications shall be
34 accompanied with an application fee. The fee for an annual

1 ~~license shall be \$995. Facilities that pay a fee or assessment~~
2 ~~pursuant to Article V-C of the Illinois Public Aid Code shall~~
3 ~~be exempt from the license fee imposed under this item (2). The~~
4 ~~fee for a 2-year license shall be double the fee for the annual~~
5 ~~license set forth in the preceding sentence. The fees collected~~
6 ~~shall be deposited with the State Treasurer into the Long Term~~
7 ~~Care Monitor/Receiver Fund, which has been created as a special~~
8 ~~fund in the State treasury.~~ This special fund is to be used by
9 the Department for expenses related to the appointment of
10 monitors and receivers as contained in Sections 3-501 through
11 3-517. At the end of each fiscal year, any funds in excess of
12 \$1,000,000 held in the Long Term Care Monitor/Receiver Fund
13 shall be deposited in the State's General Revenue Fund. The
14 application shall be under oath and the submission of false or
15 misleading information shall be a Class A misdemeanor. The
16 application shall contain the following information:

17 (a) The name and address of the applicant if an
18 individual, and if a firm, partnership, or association, of
19 every member thereof, and in the case of a corporation, the
20 name and address thereof and of its officers and its
21 registered agent, and in the case of a unit of local
22 government, the name and address of its chief executive
23 officer;

24 (b) The name and location of the facility for which a
25 license is sought;

26 (c) The name of the person or persons under whose
27 management or supervision the facility will be conducted;

28 (d) The number and type of residents for which
29 maintenance, personal care, or nursing is to be provided;
30 and

31 (e) Such information relating to the number,
32 experience, and training of the employees of the facility,
33 any management agreements for the operation of the
34 facility, and of the moral character of the applicant and
35 employees as the Department may deem necessary.

36 (3) Each initial application shall be accompanied by a

1 financial statement setting forth the financial condition of
2 the applicant and by a statement from the unit of local
3 government having zoning jurisdiction over the facility's
4 location stating that the location of the facility is not in
5 violation of a zoning ordinance. An initial application for a
6 new facility shall be accompanied by a permit as required by
7 the "Illinois Health Facilities Planning Act". After the
8 application is approved, the applicant shall advise the
9 Department every 6 months of any changes in the information
10 originally provided in the application.

11 (4) Other information necessary to determine the identity
12 and qualifications of an applicant to operate a facility in
13 accordance with this Act shall be included in the application
14 as required by the Department in regulations.

15 (Source: P.A. 93-32, eff. 7-1-03; 93-841, eff. 7-30-04.)

16 Section 80. The Illinois Insurance Code is amended by
17 changing Sections 121-19, 123A-4, 123B-4, 123C-17, 131.24,
18 141a, 149, 310.1, 315.4, 325, 363a, 370, 403, 403A, 408, 412,
19 416, 431, 445, 500-70, 500-110, 500-120, 500-135, 511.103,
20 511.105, 511.110, 512.63, 513a3, 513a4, 513a7, 529.5, 1020,
21 1108, and 1204 as follows:

22 (215 ILCS 5/121-19) (from Ch. 73, par. 733-19)

23 Sec. 121-19. Fine for unauthorized insurance. Any
24 unauthorized insurer who transacts any unauthorized act of an
25 insurance business as set forth in this Act is guilty of a
26 business offense and may be fined not more than \$10,000
27 ~~\$20,000~~.

28 (Source: P.A. 93-32, eff. 7-1-03.)

29 (215 ILCS 5/123A-4) (from Ch. 73, par. 735A-4)

30 Sec. 123A-4. Licenses - Application - Fees.

31 (1) An advisory organization must be licensed by the
32 Director before it is authorized to conduct activities in this
33 State.

1 (2) Any advisory organization shall make application for a
2 license as an advisory organization by providing with the
3 application satisfactory evidence to the Director that it has
4 complied with Sections 123A-6 and 123A-7 of this Article.

5 (3) The fee for filing an application as an advisory
6 organization is \$25 ~~\$50~~ payable to the Director.

7 (Source: P.A. 93-32, eff. 7-1-03.)

8 (215 ILCS 5/123B-4) (from Ch. 73, par. 735B-4)

9 Sec. 123B-4. Risk retention groups not organized in this
10 State. Any risk retention group organized and licensed in a
11 state other than this State and seeking to do business as a
12 risk retention group in this State shall comply with the laws
13 of this State as follows:

14 A. Notice of operations and designation of the Director as
15 agent.

16 Before offering insurance in this State, a risk retention
17 group shall submit to the Director on a form approved by the
18 Director:

19 (1) a statement identifying the state or states in
20 which the risk retention group is organized and licensed as
21 a liability insurance company, its date of organization,
22 its principal place of business, and such other
23 information, including information on its membership, as
24 the Director may require to verify that the risk retention
25 group is qualified under subsection (11) of Section 123B-2
26 of this Article;

27 (2) a copy of its plan of operations or a feasibility
28 study and revisions of such plan or study submitted to its
29 state of domicile; provided, however, that the provision
30 relating to the submission of a plan of operation or a
31 feasibility study shall not apply with respect to any line
32 or classification of liability insurance which (a) was
33 defined in the Product Liability Risk Retention Act of 1981
34 before October 27, 1986, and (b) was offered before such
35 date by any risk retention group which had been organized

1 and operating for not less than 3 years before such date;
2 and

3 (3) a statement of registration which designates the
4 Director as its agent for the purpose of receiving service
5 of legal documents or process, together with a filing fee
6 of \$100 ~~\$200~~ payable to the Director.

7 B. Financial condition. Any risk retention group doing
8 business in this State shall submit to the Director:

9 (1) a copy of the group's financial statement submitted
10 to the state in which the risk retention group is organized
11 and licensed, which shall be certified by an independent
12 public accountant and contain a statement of opinion on
13 loss and loss adjustment expense reserves made by a member
14 of the American Academy of Actuaries or a qualified loss
15 reserve specialist (under criteria established by the
16 National Association of Insurance Commissioners);

17 (2) a copy of each examination of the risk retention
18 group as certified by the public official conducting the
19 examination;

20 (3) upon request by the Director, a copy of any audit
21 performed with respect to the risk retention group; and

22 (4) such information as may be required to verify its
23 continuing qualification as a risk retention group under
24 subsection (11) of Section 123B-2.

25 C. Taxation.

26 (1) Each risk retention group shall be liable for the
27 payment of premium taxes and taxes on premiums of direct
28 business for risks resident or located within this State,
29 and shall report to the Director the net premiums written
30 for risks resident or located within this State. Such risk
31 retention group shall be subject to taxation, and any
32 applicable fines and penalties related thereto, on the same
33 basis as a foreign admitted insurer.

34 (2) To the extent licensed insurance producers are
35 utilized pursuant to Section 123B-11, they shall report to
36 the Director the premiums for direct business for risks

1 resident or located within this State which such licensees
2 have placed with or on behalf of a risk retention group not
3 organized in this State.

4 (3) To the extent that licensed insurance producers are
5 utilized pursuant to Section 123B-11, each such producer
6 shall keep a complete and separate record of all policies
7 procured from each such risk retention group, which record
8 shall be open to examination by the Director, as provided
9 in Section 506.1 of this Code. These records shall, for
10 each policy and each kind of insurance provided thereunder,
11 include the following:

- 12 (a) the limit of the liability;
- 13 (b) the time period covered;
- 14 (c) the effective date;
- 15 (d) the name of the risk retention group which
16 issued the policy;
- 17 (e) the gross premium charged; and
- 18 (f) the amount of return premiums, if any.

19 D. Compliance With unfair claims practices provisions. Any
20 risk retention group, its agents and representatives shall be
21 subject to the unfair claims practices provisions of Sections
22 154.5 through 154.8 of this Code.

23 E. Deceptive, false, or fraudulent practices. Any risk
24 retention group shall comply with the laws of this State
25 regarding deceptive, false, or fraudulent acts or practices.
26 However, if the Director seeks an injunction regarding such
27 conduct, the injunction must be obtained from a court of
28 competent jurisdiction.

29 F. Examination regarding financial condition. Any risk
30 retention group must submit to an examination by the Director
31 to determine its financial condition if the commissioner of
32 insurance of the jurisdiction in which the group is organized
33 and licensed has not initiated an examination or does not
34 initiate an examination within 60 days after a request by the
35 Director. Any such examination shall be coordinated to avoid
36 unjustified repetition and conducted in an expeditious manner

1 and in accordance with the National Association of Insurance
2 Commissioners' Examiner Handbook.

3 G. Notice to purchasers. Every application form for
4 insurance from a risk retention group and the front page and
5 declaration page of every policy issued by a risk retention
6 group shall contain in 10 point type the following notice:

7 "NOTICE

8 This policy is issued by your risk retention group. Your
9 risk retention group is not subject to all of the insurance
10 laws and regulations of your state. State insurance insolvency
11 guaranty fund protection is not available for your risk
12 retention group".

13 H. Prohibited acts regarding solicitation or sale. The
14 following acts by a risk retention group are hereby prohibited:

15 (1) the solicitation or sale of insurance by a risk
16 retention group to any person who is not eligible for
17 membership in such group; and

18 (2) the solicitation or sale of insurance by, or
19 operation of, a risk retention group that is in a hazardous
20 financial condition or is financially impaired.

21 I. Prohibition on ownership by an insurance company. No
22 risk retention group shall be allowed to do business in this
23 State if an insurance company is directly or indirectly a
24 member or owner of such risk retention group, other than in the
25 case of a risk retention group all of whose members are
26 insurance companies.

27 J. Prohibited coverage. No risk retention group may offer
28 insurance policy coverage prohibited by Articles IX or XI of
29 this Code or declared unlawful by the Illinois Supreme Court;
30 provided however, a risk retention group organized and licensed
31 in a state other than this State that selects the law of this
32 State to govern the validity, construction, or enforceability
33 of policies issued by it is permitted to provide coverage under
34 policies issued by it for penalties in the nature of
35 compensatory damages including, without limitation, punitive
36 damages and the multiplied portion of multiple damages, so long

1 as coverage of those penalties is not prohibited by the law of
2 the state under which the risk retention group is organized.

3 K. Delinquency proceedings. A risk retention group not
4 organized in this State and doing business in this State shall
5 comply with a lawful order issued in a voluntary dissolution
6 proceeding or in a conservation, rehabilitation, liquidation,
7 or other delinquency proceeding commenced by the Director or by
8 another state insurance commissioner if there has been a
9 finding of financial impairment after an examination under
10 subsection F of Section 123B-4 of this Article.

11 L. Compliance with injunctive relief. A risk retention
12 group shall comply with an injunctive order issued in another
13 state by a court of competent jurisdiction or by a United
14 States District Court based on a finding of financial
15 impairment or hazardous financial condition.

16 M. Penalties. A risk retention group that violates any
17 provision of this Article will be subject to fines and
18 penalties applicable to licensed insurers generally, including
19 revocation of its license or the right to do business in this
20 State, or both.

21 N. Operations prior to August 3, 1987. In addition to
22 complying with the requirements of this Section, any risk
23 retention group operating in this State prior to August 3,
24 1987, shall within 30 days after such effective date comply
25 with the provisions of subsection A of this Section.

26 (Source: P.A. 93-32, eff. 7-1-03.)

27 (215 ILCS 5/123C-17) (from Ch. 73, par. 735C-17)

28 Sec. 123C-17. Fees.

29 A. The Director shall charge, collect, and give proper
30 acquittances for the payment of the following fees and charges
31 with respect to a captive insurance company:

32 1. For filing all documents submitted for the
33 incorporation or organization or certification of a
34 captive insurance company, \$3,500 ~~\$7,000~~.

35 2. For filing requests for approval of changes in the

1 elements of a plan of operations, \$100 ~~\$200~~.

2 B. Except as otherwise provided in subsection A of this
3 Section and in Section 123C-10, the provisions of Section 408
4 shall apply to captive insurance companies.

5 C. Any funds collected from captive insurance companies
6 pursuant to this Section shall be treated in the manner
7 provided in subsection (11) of Section 408.

8 (Source: P.A. 93-32, eff. 7-1-03.)

9 (215 ILCS 5/131.24) (from Ch. 73, par. 743.24)

10 Sec. 131.24. Sanctions.

11 (1) Every director or officer of an insurance holding
12 company system who knowingly violates, participates in, or
13 assents to, or who knowingly permits any of the officers or
14 agents of the company to engage in transactions or make
15 investments which have not been properly filed or approved or
16 which violate this Article, shall pay, in their individual
17 capacity, a civil forfeiture of not more than \$50,000 ~~\$100,000~~
18 per violation, after notice and hearing before the Director. In
19 determining the amount of the civil forfeiture, the Director
20 shall take into account the appropriateness of the forfeiture
21 with respect to the gravity of the violation, the history of
22 previous violations, and such other matters as justice may
23 require.

24 (2) Whenever it appears to the Director that any company
25 subject to this Article or any director, officer, employee or
26 agent thereof has engaged in any transaction or entered into a
27 contract which is subject to Section 131.20, and any one of
28 Sections 131.16, 131.20a, 141, 141.1, or 174 of this Code and
29 which would not have been approved had such approval been
30 requested or would have been disapproved had required notice
31 been given, the Director may order the company to cease and
32 desist immediately any further activity under that transaction
33 or contract. After notice and hearing the Director may also
34 order (a) the company to void any such contracts and restore
35 the status quo if such action is in the best interest of the

1 policyholders or the public, and (b) any affiliate of the
2 company, which has received from the company dividends,
3 distributions, assets, loans, extensions of credit,
4 guarantees, or investments in violation of any such Section, to
5 immediately repay, refund or restore to the company such
6 dividends, distributions, assets, extensions of credit,
7 guarantees or investments.

8 (3) Whenever it appears to the Director that any company or
9 any director, officer, employee or agent thereof has committed
10 a willful violation of this Article, the Director may cause
11 criminal proceedings to be instituted in the Circuit Court for
12 the county in which the principal office of the company is
13 located or in the Circuit Court of Sangamon or Cook County
14 against such company or the responsible director, officer,
15 employee or agent thereof. Any company which willfully violates
16 this Article commits a business offense and may be fined up to
17 \$250,000 ~~\$500,000~~. Any individual who willfully violates this
18 Article commits a Class 4 felony and may be fined in his
19 individual capacity not more than \$250,000 ~~\$500,000~~ or be
20 imprisoned for not less than one year nor more than 3 years, or
21 both.

22 (4) Any officer, director, or employee of an insurance
23 holding company system who willfully and knowingly subscribes
24 to or makes or causes to be made any false statements or false
25 reports or false filings with the intent to deceive the
26 Director in the performance of his duties under this Article,
27 commits a Class 3 felony and upon conviction thereof, shall be
28 imprisoned for not less than 2 years nor more than 5 years or
29 fined \$250,000 ~~\$500,000~~ or both. Any fines imposed shall be
30 paid by the officer, Director, or employee in his individual
31 capacity.

32 (Source: P.A. 93-32, eff. 7-1-03.)

33 (215 ILCS 5/141a) (from Ch. 73, par. 753a)

34 Sec. 141a. Managing general agents and retrospective
35 compensation agreements.

1 (a) As used in this Section, the following terms have the
2 following meanings:

3 "Actuary" means a person who is a member in good standing
4 of the American Academy of Actuaries.

5 "Gross direct written premium" means direct premium
6 including policy and membership fees, net of returns and
7 cancellations, and prior to any cessions.

8 "Insurer" means any person duly licensed in this State as
9 an insurance company pursuant to Articles II, III, III 1/2, IV,
10 V, VI, and XVII of this Code.

11 "Managing general agent" means any person, firm,
12 association, or corporation, either separately or together
13 with affiliates, that:

14 (1) manages all or part of the insurance business of an
15 insurer (including the management of a separate division,
16 department, or underwriting office), and

17 (2) acts as an agent for the insurer whether known as a
18 managing general agent, manager, or other similar term, and

19 (3) with or without the authority produces, directly or
20 indirectly, and underwrites:

21 (A) within any one calendar quarter, an amount of
22 gross direct written premium equal to or more than 5%
23 of the policyholders' surplus as reported in the
24 insurer's last annual statement, or

25 (B) within any one calendar year, an amount of
26 gross direct written premium equal to or more than 8%
27 of the policyholders' surplus as reported in the
28 insurer's last annual statement, and either

29 (4) has the authority to bind the company in settlement
30 of individual claims in amounts in excess of \$500, or

31 (5) has the authority to negotiate reinsurance on
32 behalf of the insurer.

33 Notwithstanding the provisions of items (1) through (5),
34 the following persons shall not be considered to be managing
35 general agents for the purposes of this Code:

36 (1) An employee of the insurer;

1 (2) A U.S. manager of the United States branch of an
2 alien insurer;

3 (3) An underwriting manager who, pursuant to a contract
4 meeting the standards of Section 141.1 manages all or part
5 of the insurance operations of the insurer, is affiliated
6 with the insurer, subject to Article VIII 1/2, and whose
7 compensation is not based on the volume of premiums
8 written;

9 (4) The attorney or the attorney in fact authorized and
10 acting for or on behalf of the subscriber policyholders of
11 a reciprocal or inter-insurance exchange, under the terms
12 of the subscription agreement, power of attorney, or policy
13 of insurance or the attorney in fact for any Lloyds
14 organization licensed in this State.

15 "Retrospective compensation agreement" means any
16 arrangement, agreement, or contract having as its purpose the
17 actual or constructive retention by the insurer of a fixed
18 proportion of the gross premiums, with the balance of the
19 premiums, retained actually or constructively by the agent or
20 the producer of the business, who assumes to pay therefrom all
21 losses, all subordinate commission, loss adjustment expenses,
22 and his profit, if any, with other provisions of the
23 arrangement, agreement, or contract being auxiliary or
24 incidental to that purpose.

25 "Underwrite" means to accept or reject risk on behalf of
26 the insurer.

27 (b) Licensure of managing general agents.

28 (1) No person, firm, association, or corporation shall
29 act in the capacity of a managing general agent with
30 respect to risks located in this State for an insurer
31 licensed in this State unless the person is a licensed
32 producer or a registered firm in this State under Article
33 XXXI of this Code or a licensed third party administrator
34 in this State under Article XXXI 1/4 of this Code.

35 (2) No person, firm, association, or corporation shall
36 act in the capacity of a managing general agent with

1 respect to risks located outside this State for an insurer
2 domiciled in this State unless the person is a licensed
3 producer or a registered firm in this State under Article
4 XXXI of this Code or a licensed third party administrator
5 in this State under Article XXXI 1/4 of this Code.

6 (3) The managing general agent must provide a surety
7 bond for the benefit of the insurer in an amount equal to
8 the greater of \$100,000 or 5% of the gross direct written
9 premium underwritten by the managing general agent on
10 behalf of the insurer. The bond shall provide for a
11 discovery period and prior notification of cancellation in
12 accordance with the rules of the Department unless
13 otherwise approved in writing by the Director.

14 (4) The managing general agent must maintain an errors
15 and omissions policy for the benefit of the insurer with
16 coverage in an amount equal to the greater of \$1,000,000 or
17 5% of the gross direct written premium underwritten by the
18 managing general agent on behalf of the insurer.

19 (5) Evidence of the existence of the bond and the
20 errors and omissions policy must be made available to the
21 Director upon his request.

22 (c) No person, firm, association, or corporation acting in
23 the capacity of a managing general agent shall place business
24 with an insurer unless there is in force a written contract
25 between the parties that sets forth the responsibilities of
26 each party, that, if both parties share responsibility for a
27 particular function, specifies the division of responsibility,
28 and that contains the following minimum provisions:

29 (1) The insurer may terminate the contract for cause
30 upon written notice to the managing general agent. The
31 insurer may suspend the underwriting authority of the
32 managing general agent during the pendency of any dispute
33 regarding the cause for termination.

34 (2) The managing general agent shall render accounts to
35 the insurer detailing all transactions and remit all funds
36 due under the contract to the insurer on not less than a

1 monthly basis.

2 (3) All funds collected for the account of an insurer
3 shall be held by the managing general agent in a fiduciary
4 capacity in a bank that is a federally or State chartered
5 bank and that is a member of the Federal Deposit Insurance
6 Corporation. This account shall be used for all payments on
7 behalf of the insurer; however, the managing general agent
8 shall not have authority to draw on any other accounts of
9 the insurer. The managing general agent may retain no more
10 than 3 months estimated claims payments and allocated loss
11 adjustment expenses.

12 (4) Separate records of business written by the
13 managing general agent will be maintained. The insurer
14 shall have access to and the right to copy all accounts and
15 records related to its business in a form usable by the
16 insurer, and the Director shall have access to all books,
17 bank accounts, and records of the managing general agent in
18 a form usable to the Director.

19 (5) The contract may not be assigned in whole or part
20 by the managing general agent.

21 (6) The managing general agent shall provide to the
22 company audited financial statements required under
23 paragraph (1) of subsection (d).

24 (7) That appropriate underwriting guidelines be
25 followed, which guidelines shall stipulate the following:

- 26 (A) the maximum annual premium volume;
- 27 (B) the basis of the rates to be charged;
- 28 (C) the types of risks that may be written;
- 29 (D) maximum limits of liability;
- 30 (E) applicable exclusions;
- 31 (F) territorial limitations;
- 32 (G) policy cancellation provisions; and
- 33 (H) the maximum policy period.

34 (8) The insurer shall have the right to: (i) cancel or
35 nonrenew any policy of insurance subject to applicable laws
36 and regulations concerning those actions; and (ii) require

1 cancellation of any subproducer's contract after
2 appropriate notice.

3 (9) If the contract permits the managing general agent
4 to settle claims on behalf of the insurer:

5 (A) all claims must be reported to the company in a
6 timely manner.

7 (B) a copy of the claim file must be sent to the
8 insurer at its request or as soon as it becomes known
9 that the claim:

10 (i) has the potential to exceed an amount
11 determined by the company;

12 (ii) involves a coverage dispute;

13 (iii) may exceed the managing general agent's
14 claims settlement authority;

15 (iv) is open for more than 6 months; or

16 (v) is closed by payment of an amount set by
17 the company.

18 (C) all claim files will be the joint property of
19 the insurer and the managing general agent. However,
20 upon an order of liquidation of the insurer, the files
21 shall become the sole property of the insurer or its
22 estate; the managing general agent shall have
23 reasonable access to and the right to copy the files on
24 a timely basis.

25 (D) any settlement authority granted to the
26 managing general agent may be terminated for cause upon
27 the insurer's written notice to the managing general
28 agent or upon the termination of the contract. The
29 insurer may suspend the settlement authority during
30 the pendency of any dispute regarding the cause for
31 termination.

32 (10) Where electronic claims files are in existence,
33 the contract must address the timely transmission of the
34 data.

35 (11) If the contract provides for a sharing of interim
36 profits by the managing general agent and the managing

1 general agent has the authority to determine the amount of
2 the interim profits by establishing loss reserves,
3 controlling claim payments, or by any other manner, interim
4 profits will not be paid to the managing general agent
5 until one year after they are earned for property insurance
6 business and until 5 years after they are earned on
7 casualty business and in either case, not until the profits
8 have been verified.

9 (12) The managing general agent shall not:

10 (A) Bind reinsurance or retrocessions on behalf of
11 the insurer, except that the managing general agent may
12 bind facultative reinsurance contracts under
13 obligatory facultative agreements if the contract with
14 the insurer contains reinsurance underwriting
15 guidelines including, for both reinsurance assumed and
16 ceded, a list of reinsurers with which automatic
17 agreements are in effect, the coverages and amounts or
18 percentages that may be reinsured, and commission
19 schedules.

20 (B) Appoint any producer without assuring that the
21 producer is lawfully licensed to transact the type of
22 insurance for which he is appointed.

23 (C) Without prior approval of the insurer, pay or
24 commit the insurer to pay a claim over a specified
25 amount, net of reinsurance, that shall not exceed 1% of
26 the insurer's policyholders' surplus as of December 31
27 of the last completed calendar year.

28 (D) Collect any payment from a reinsurer or commit
29 the insurer to any claim settlement with a reinsurer
30 without prior approval of the insurer. If prior
31 approval is given, a report must be promptly forwarded
32 to the insurer.

33 (E) Permit its subproducer to serve on its board of
34 directors.

35 (F) Employ an individual who is also employed by
36 the insurer.

1 (13) The contract may not be written for a term of
2 greater than 5 years.

3 (d) Insurers shall have the following duties:

4 (1) The insurer shall have on file the managing general
5 agent's audited financial statements as of the end of the
6 most recent fiscal year prepared in accordance with
7 Generally Accepted Accounting Principles. The insurer
8 shall notify the Director if the auditor's opinion on those
9 statements is other than an unqualified opinion. That
10 notice shall be given to the Director within 10 days of
11 receiving the audited financial statements or becoming
12 aware that such opinion has been given.

13 (2) If a managing general agent establishes loss
14 reserves, the insurer shall annually obtain the opinion of
15 an actuary attesting to the adequacy of loss reserves
16 established for losses incurred and outstanding on
17 business produced by the managing general agent, in
18 addition to any other required loss reserve certification.

19 (3) The insurer shall periodically (at least
20 semiannually) conduct an on-site review of the
21 underwriting and claims processing operations of the
22 managing general agent.

23 (4) Binding authority for all reinsurance contracts or
24 participation in insurance or reinsurance syndicates shall
25 rest with an officer of the insurer, who shall not be
26 affiliated with the managing general agent.

27 (5) Within 30 days of entering into or terminating a
28 contract with a managing general agent, the insurer shall
29 provide written notification of the appointment or
30 termination to the Director. Notices of appointment of a
31 managing general agent shall include a statement of duties
32 that the applicant is expected to perform on behalf of the
33 insurer, the lines of insurance for which the applicant is
34 to be authorized to act, and any other information the
35 Director may request.

36 (6) An insurer shall review its books and records each

1 quarter to determine if any producer has become a managing
2 general agent. If the insurer determines that a producer
3 has become a managing general agent, the insurer shall
4 promptly notify the producer and the Director of that
5 determination, and the insurer and producer must fully
6 comply with the provisions of this Section within 30 days
7 of the notification.

8 (7) The insurer shall file any managing general agent
9 contract for the Director's approval within 45 days after
10 the contract becomes subject to this Section. Failure of
11 the Director to disapprove the contract within 45 days
12 shall constitute approval thereof. Upon expiration of the
13 contract, the insurer shall submit the replacement
14 contract for approval. Contracts filed under this Section
15 shall be exempt from filing under Sections 141, 141.1 and
16 131.20a.

17 (8) An insurer shall not appoint to its board of
18 directors an officer, director, employee, or controlling
19 shareholder of its managing general agents. This provision
20 shall not apply to relationships governed by Article VIII
21 1/2 of this Code.

22 (e) The acts of a managing general agent are considered to
23 be the acts of the insurer on whose behalf it is acting. A
24 managing general agent may be examined in the same manner as an
25 insurer.

26 (f) Retrospective compensation agreements for business
27 written under Section 4 of this Code in Illinois and outside of
28 Illinois by an insurer domiciled in this State must be filed
29 for approval. The standards for approval shall be as set forth
30 under Section 141 of this Code.

31 (g) Unless specifically required by the Director, the
32 provisions of this Section shall not apply to arrangements
33 between a managing general agent not underwriting any risks
34 located in Illinois and a foreign insurer domiciled in an NAIC
35 accredited state that has adopted legislation substantially
36 similar to the NAIC Managing General Agents Model Act. "NAIC

1 accredited state" means a state or territory of the United
2 States having an insurance regulatory agency that maintains an
3 accredited status granted by the National Association of
4 Insurance Commissioners.

5 (h) If the Director determines that a managing general
6 agent has not materially complied with this Section or any
7 regulation or order promulgated hereunder, after notice and
8 opportunity to be heard, the Director may order a penalty in an
9 amount not exceeding \$50,000 ~~\$100,000~~ for each separate
10 violation and may order the revocation or suspension of the
11 producer's license. If it is found that because of the material
12 noncompliance the insurer has suffered any loss or damage, the
13 Director may maintain a civil action brought by or on behalf of
14 the insurer and its policyholders and creditors for recovery of
15 compensatory damages for the benefit of the insurer and its
16 policyholders and creditors or other appropriate relief. This
17 subsection (h) shall not be construed to prevent any other
18 person from taking civil action against a managing general
19 agent.

20 (i) If an Order of Rehabilitation or Liquidation is entered
21 under Article XIII and the receiver appointed under that Order
22 determines that the managing general agent or any other person
23 has not materially complied with this Section or any regulation
24 or Order promulgated hereunder and the insurer suffered any
25 loss or damage therefrom, the receiver may maintain a civil
26 action for recovery of damages or other appropriate sanctions
27 for the benefit of the insurer.

28 Any decision, determination, or order of the Director under
29 this subsection shall be subject to judicial review under the
30 Administrative Review Law.

31 Nothing contained in this subsection shall affect the right
32 of the Director to impose any other penalties provided for in
33 this Code.

34 Nothing contained in this subsection is intended to or
35 shall in any manner limit or restrict the rights of
36 policyholders, claimants, and auditors.

1 (j) A domestic company shall not during any calendar year
2 write, through a managing general agent or managing general
3 agents, premiums in an amount equal to or greater than its
4 capital and surplus as of the preceding December 31st unless
5 the domestic company requests in writing the Director's
6 permission to do so and the Director has either approved the
7 request or has not disapproved the request within 45 days after
8 the Director received the request.

9 No domestic company with less than \$5,000,000 of capital
10 and surplus may write any business through a managing general
11 agent unless the domestic company requests in writing the
12 Director's permission to do so and the Director has either
13 approved the request or has not disapproved the request within
14 45 days after the Director received the request.

15 (Source: P.A. 93-32, eff. 7-1-03.)

16 (215 ILCS 5/149) (from Ch. 73, par. 761)

17 Sec. 149. Misrepresentation and defamation prohibited.

18 (1) No company doing business in this State, and no
19 officer, director, agent, clerk or employee thereof, broker, or
20 any other person, shall make, issue or circulate or cause or
21 knowingly permit to be made, issued or circulated any estimate,
22 illustration, circular, or verbal or written statement of any
23 sort misrepresenting the terms of any policy issued or to be
24 issued by it or any other company or the benefits or advantages
25 promised thereby or any misleading estimate of the dividends or
26 share of the surplus to be received thereon, or shall by the
27 use of any name or title of any policy or class of policies
28 misrepresent the nature thereof.

29 (2) No such company or officer, director, agent, clerk or
30 employee thereof, or broker shall make any misleading
31 representation or comparison of companies or policies, to any
32 person insured in any company for the purpose of inducing or
33 tending to induce a policyholder in any company to lapse,
34 forfeit, change or surrender his insurance, whether on a
35 temporary or permanent plan.

1 (3) No such company, officer, director, agent, clerk or
2 employee thereof, broker or other person shall make, issue or
3 circulate or cause or knowingly permit to be made, issued or
4 circulated any pamphlet, circular, article, literature or
5 verbal or written statement of any kind which contains any
6 false or malicious statement calculated to injure any company
7 doing business in this State in its reputation or business.

8 (4) No such company, or officer, director, agent, clerk or
9 employee thereof, no agent, broker, solicitor, or company
10 service representative, and no other person, firm,
11 corporation, or association of any kind or character, shall
12 make, issue, circulate, use, or utter, or cause or knowingly
13 permit to be made, issued, circulated, used, or uttered, any
14 policy or certificate of insurance, or endorsement or rider
15 thereto, or matter incorporated therein by reference, or
16 application blanks, or any stationery, pamphlet, circular,
17 article, literature, advertisement or advertising of any kind
18 or character, visual, or aural, including radio advertising and
19 television advertising, or any other verbal or written
20 statement or utterance (a) which tends to create the impression
21 or from which it may be implied or inferred, directly or
22 indirectly, that the company, its financial condition or
23 status, or the payment of its claims, or the merits,
24 desirability, or advisability of its policy forms or kinds or
25 plans of insurance are approved, endorsed, or guaranteed by the
26 State of Illinois or United States Government or the Director
27 or the Department or are secured by Government bonds or are
28 secured by a deposit with the Director, or (b) which uses or
29 refers to any deposit with the Director or any certificate of
30 deposit issued by the Director or any facsimile, reprint,
31 photograph, photostat, or other reproduction of any such
32 certificate of deposit.

33 (5) Any company, officer, director, agent, clerk or
34 employee thereof, broker, or other person who violates any of
35 the provisions of this Section, or knowingly participates in or
36 abets such violation, is guilty of a business offense and shall

1 be required to pay a penalty of not less than \$100 ~~\$200~~ nor
2 more than \$5,000 ~~\$10,000~~, to be recovered in the name of the
3 People of the State of Illinois either by the Attorney General
4 or by the State's Attorney of the county in which the violation
5 occurs. The penalty so recovered shall be paid into the county
6 treasury if recovered by the State's Attorney or into the State
7 treasury if recovered by the Attorney General.

8 (6) No company shall be held guilty of having violated any
9 of the provisions of this Section by reason of the act of any
10 agent, solicitor or employee, not an officer, director or
11 department head thereof, unless an officer, director or
12 department head of such company shall have knowingly permitted
13 such act or shall have had prior knowledge thereof.

14 (7) Any person, association, organization, partnership,
15 business trust or corporation not authorized to transact an
16 insurance business in this State which disseminates in or
17 causes to be disseminated in this State any advertising,
18 invitations to inquire, questionnaires or requests for
19 information designed to result in a solicitation for the
20 purchase of insurance by residents of this State is also
21 subject to the sanctions of this Section. The phrase "designed
22 to result in a solicitation for the purchase of insurance"
23 includes but is not limited to:

24 (a) the use of any form or document which provides
25 either generalized or specific information or
26 recommendations regardless of the insurance needs of the
27 recipient or the availability of any insurance policy or
28 plan; or

29 (b) any offer to provide such information or
30 recommendation upon subsequent contacts or solicitation
31 either by the entity generating the material or some other
32 person; or

33 (c) the use of a coupon, reply card or request to write
34 for further information; or

35 (d) the use of an application for insurance or an offer
36 to provide insurance coverage for any purpose; or

1 (e) the use of any material which, regardless of the
2 form and content used or the information imparted, is
3 intended to result, in the generation of leads for further
4 solicitations or the preparation of a mailing list which
5 can be sold to others for such purpose.

6 (Source: P.A. 93-32, eff. 7-1-03.)

7 (215 ILCS 5/310.1) (from Ch. 73, par. 922.1)

8 Sec. 310.1. Suspension, Revocation or Refusal to Renew
9 Certificate of Authority.

10 (a) Domestic Societies. When, upon investigation, the
11 Director is satisfied that any domestic society transacting
12 business under this amendatory Act has exceeded its powers or
13 has failed to comply with any provisions of this amendatory Act
14 or is conducting business fraudulently or in a way hazardous to
15 its members, creditors or the public or is not carrying out its
16 contracts in good faith, the Director shall notify the society
17 of his or her findings, stating in writing the grounds of his
18 or her dissatisfaction, and, after reasonable notice, require
19 the society on a date named to show cause why its certificate
20 of authority should not be revoked or suspended or why such
21 society should not be fined as hereinafter provided or why the
22 Director should not proceed against the society under Article
23 XIII of this Code. If, on the date named in said notice, such
24 objections have not been removed to the satisfaction of the
25 Director or if the society does not present good and sufficient
26 reasons why its authority to transact business in this State
27 should not at that time be revoked or suspended or why such
28 society should not be fined as hereinafter provided, the
29 Director may revoke the authority of the society to continue
30 business in this State and proceed against the society under
31 Article XIII of this Code or suspend such certificate of
32 authority for any period of time up to, but not to exceed, 2
33 years; or may by order require such society to pay to the
34 people of the State of Illinois a penalty in a sum not
35 exceeding \$5,000 ~~\$10,000~~, and, upon the failure of such society

1 to pay such penalty within 20 days after the mailing of such
2 order, postage prepaid, registered and addressed to the last
3 known place of business of such society, unless such order is
4 stayed by an order of a court of competent jurisdiction, the
5 Director may revoke or suspend the license of such society for
6 any period of time up to, but not exceeding, a period of 2
7 years.

8 (b) Foreign or alien societies. The Director shall suspend,
9 revoke or refuse to renew certificates of authority in
10 accordance with Article VI of this Code.

11 (Source: P.A. 93-32, eff. 7-1-03.)

12 (215 ILCS 5/315.4) (from Ch. 73, par. 927.4)

13 Sec. 315.4. Penalties.

14 (a) Any person who willfully makes a false or fraudulent
15 statement in or relating to an application for membership or
16 for the purpose of obtaining money from, or a benefit in, any
17 society shall upon conviction be fined not less than \$100 ~~\$200~~
18 nor more than \$5,000 ~~\$10,000~~ or be subject to imprisonment in
19 the county jail not less than 30 days nor more than one year,
20 or both.

21 (b) Any person who willfully makes a false or fraudulent
22 statement in any verified report or declaration under oath
23 required or authorized by this amendatory Act, or of any
24 material fact or thing contained in a sworn statement
25 concerning the death or disability of an insured for the
26 purpose of procuring payment of a benefit named in the
27 certificate, shall be guilty of perjury and shall be subject to
28 the penalties therefor prescribed by law.

29 (c) Any person who solicits membership for, or in any
30 manner assists in procuring membership in, any society not
31 licensed to do business in this State shall upon conviction be
32 fined not less than \$50 ~~\$100~~ nor more than \$200 ~~\$400~~.

33 (d) Any person guilty of a willful violation of, or neglect
34 or refusal to comply with, the provisions of this amendatory
35 Act for which a penalty is not otherwise prescribed shall upon

1 conviction be subject to a fine not exceeding \$5,000 ~~\$10,000~~.
2 (Source: P.A. 93-32, eff. 7-1-03.)

3 (215 ILCS 5/325) (from Ch. 73, par. 937)

4 Sec. 325. Officers bonds. The officer or officers of the
5 association entrusted with the custody of its funds shall
6 within thirty days after the effective date of this Code file
7 with the Director a bond in favor of the association in the
8 penalty of double the amount of its benefit account, as defined
9 in the act mentioned in section 316, as of the end of a
10 preceding calendar year, exclusive of such amount as the
11 association may maintain on deposit with the Director, (but in
12 no event a bond in a penalty of less than \$1,000 ~~\$2,000~~) with
13 such officer or officers as principal and a duly authorized
14 surety company as surety, conditioned upon the faithful
15 performance of his or their duties and the accounting of the
16 funds entrusted to his or their custody. If the penalty of any
17 bond filed pursuant to this section shall at any time be less
18 than twice the largest amount in the benefit fund of the
19 association not maintained on deposit with the Director during
20 the preceding calendar year, a new bond in the penalty of
21 double the largest amount in the benefit fund during said
22 preceding calendar year, with such officer or officers as
23 principal and a duly authorized surety company as surety,
24 conditioned as aforesaid, shall be filed with the Director
25 within sixty days after the end of such calendar year.
26 (Source: P.A. 93-32, eff. 7-1-03.)

27 (215 ILCS 5/363a) (from Ch. 73, par. 975a)

28 Sec. 363a. Medicare supplement policies; disclosure,
29 advertising, loss ratio standards.

30 (1) Scope. This Section pertains to disclosure
31 requirements of companies and agents and mandatory and
32 prohibited practices of agents when selling a policy to
33 supplement the Medicare program or any other health insurance
34 policy sold to individuals eligible for Medicare. No policy

1 shall be referred to or labeled as a Medicare supplement policy
2 if it does not comply with the minimum standards required by
3 regulation pursuant to Section 363 of this Code. Except as
4 otherwise specifically provided in paragraph (d) of subsection
5 (6), this Section shall not apply to accident only or specified
6 disease type of policies or hospital confinement indemnity or
7 other type policies clearly unrelated to Medicare.

8 (2) Advertising. An advertisement that describes or offers
9 to provide information concerning the federal Medicare program
10 shall comply with all of the following:

11 (a) It may not include any reference to that program on
12 the envelope, the reply envelope, or the address side of
13 the reply postal card, if any, nor use any language to
14 imply that failure to respond to the advertisement might
15 result in loss of Medicare benefits.

16 (b) It must include a prominent statement to the effect
17 that in providing supplemental coverage the insurer and
18 agent involved in the solicitation are not in any manner
19 connected with that program.

20 (c) It must prominently disclose that it is an
21 advertisement for insurance or is intended to obtain
22 insurance prospects.

23 (d) It must prominently identify and set forth the
24 actual address of the insurer or insurers that issue the
25 coverage.

26 (e) It must prominently state that any material or
27 information offered will be delivered in person by a
28 representative of the insurer, if that is the case.

29 The Director may issue reasonable rules and regulations for
30 the purpose of establishing criteria and guidelines for the
31 advertising of Medicare supplement insurance.

32 (3) Mandatory agent practices. For the purpose of this Act,
33 "home solicitation sale by an agent" means a sale or attempted
34 sale of an insurance policy at the purchaser's residence,
35 agent's transient quarters, or away from the agent's home
36 office when the initial contact is personally solicited by the

1 agent or insurer. Any agent involved in any home solicitation
2 sale of a Medicare supplement policy or other policy of
3 accident and health insurance, subject to subsection (1) of
4 this Section, sold to individuals eligible for Medicare shall
5 promptly do the following:

6 (a) Identify himself as an insurance agent.

7 (b) Identify the insurer or insurers for which he is a
8 licensed agent.

9 (c) Provide the purchaser with a clearly printed or
10 typed identification of his name, address, telephone
11 number, and the name of the insurer in which the insurance
12 is to be written.

13 (d) Determine what, if any, policy is appropriate,
14 suitable, and nonduplicative for the purchaser considering
15 existing coverage and be able to provide proof to the
16 company that such a determination has been made.

17 (e) Fully and completely disclose the purchaser's
18 medical history on the application if required for issue.

19 (f) Complete a Policy Check List in duplicate as
20 follows:

21 POLICY CHECK LIST

22 Applicant's Name:

23 Policy Number:

24 Name of Existing Insurer:

25 Expiration Date of Existing Insurance:

26	Medicare	Existing	Supplement	Insured's
27	Pays	Coverage	Pays	Responsibility
28	Service			
29	Hospital			
30	Skilled			
31	Nursing			
32	Home Care			
33	Prescription			
34	Drugs			

35 This policy does/does not (circle one) comply with the
36 minimum standards for Medicare supplements set forth in

1 Section 363 of the Illinois Insurance Code.

2 Signature of Applicant

3 Signature of Agent

4 This Policy Check List is to be completed in the
5 presence of the purchaser at the point of sale, and copies
6 of it, completed and duly signed, are to be provided to the
7 purchaser and to the company.

8 (g) Except in the case of refunds of premium made
9 pursuant to subsection (5) of Section 363 of this Code,
10 send by mail to an insured or an applicant for insurance,
11 when the insurer follows a practice of having agents return
12 premium refund drafts issued by the insurer, a premium
13 refund draft within 2 weeks of its receipt by the agent
14 from the insurer making such refund.

15 (h) Deliver to the purchaser, along with every policy
16 issued pursuant to Section 363 of this Code, an Outline of
17 Coverage as described in paragraph (b) of subsection (6) of
18 this Section.

19 (4) Prohibited agent practices.

20 (a) No insurance agent engaged in a home solicitation
21 sale of a Medicare supplement policy or other policy of
22 accident and health insurance, subject to subsection (1) of
23 this Section, sold to individuals eligible for Medicare
24 shall use any false, deceptive, or misleading
25 representation to induce a sale, or use any plan, scheme,
26 or ruse, that misrepresents the true status or mission of
27 the person making the call, or represent directly or by
28 implication that the agent:

29 (i) Is offering insurance that is approved or
30 recommended by the State or federal government to
31 supplement Medicare.

32 (ii) Is in any way representing, working for, or
33 compensated by a local, State, or federal government
34 agency.

35 (iii) Is engaged in an advisory business in which
36 his compensation is unrelated to the sale of insurance

1 by the use of terms such as Medicare consultant,
2 Medicare advisor, Medicare Bureau, disability
3 insurance consultant, or similar expression in a
4 letter, envelope, reply card, or other.

5 (iv) Will provide a continuing service to the
6 purchaser of the policy unless he does provide services
7 to the purchaser beyond the sale and renewal of
8 policies.

9 (b) No agent engaged in a home solicitation sale of a
10 Medicare supplement policy or other policy of accident and
11 health insurance sold to individuals eligible for Medicare
12 shall misrepresent, directly or by implication, any of the
13 following:

14 (i) The identity of the insurance company or
15 companies he represents.

16 (ii) That the assistance programs of the State or
17 county or the federal Medicare programs for medical
18 insurance are to be discontinued or are increasing in
19 cost to the prospective buyer or are in any way
20 endangered.

21 (iii) That an insurance company in which the
22 prospective purchaser is insured is financially
23 unstable, cancelling its outstanding policies,
24 merging, or withdrawing from the State.

25 (iv) The coverage of the policy being sold.

26 (v) The effective date of coverage under the
27 policy.

28 (vi) That any pre-existing health condition of the
29 purchaser is irrelevant.

30 (vii) The right of the purchaser to cancel the
31 policy within 30 days after receiving it.

32 (5) Mandatory company practices. Any company involved in
33 the sale of Medicare supplement policies or any policies of
34 accident and health insurance (subject to subsection (1) of
35 this Section) sold to individuals eligible for Medicare shall
36 do the following:

1 (a) Be able to readily determine the number of accident
2 and health policies in force with the company on each
3 insured eligible for Medicare.

4 (b) Make certain that policies of Medicare supplement
5 insurance are not issued, and any premium collected for
6 those policies is refunded, when they are deemed
7 duplicative, inappropriate, or not suitable considering
8 existing coverage with the company.

9 (c) Maintain copies of the Policy Check List as
10 completed by the agent at the point of sale of a Medicare
11 supplement policy or any policy of accident and health
12 insurance (subject to subsection (1) of this Section) sold
13 to individuals eligible for Medicare on file at the
14 company's regional or other administrative office.

15 (6) Disclosures. In order to provide for full and fair
16 disclosure in the sale of Medicare supplement policies, there
17 must be compliance with the following:

18 (a) No Medicare supplement policy or certificate shall
19 be delivered in this State unless an outline of coverage is
20 delivered to the applicant at the time application is made
21 and, except for direct response policies, an
22 acknowledgement from the applicant of receipt of the
23 outline is obtained.

24 (b) Outline of coverage requirements for Medicare
25 supplement policies.

26 (i) Insurers issuing Medicare supplement policies
27 or certificates for delivery in this State shall
28 provide an outline of coverage to all applicants at the
29 time application is made and, except for direct
30 response policies, shall obtain an acknowledgement of
31 receipt of the outline from the applicant.

32 (ii) If an outline of coverage is provided at the
33 time of application and the Medicare supplement policy
34 or certificate is issued on a basis that would require
35 revision of the outline, a substitute outline of
36 coverage properly describing the policy or certificate

1 must accompany the policy or certificate when it is
2 delivered and shall contain immediately above the
3 company name, in no less than 12 point type, the
4 following statement:

5 "NOTICE: Read this outline of coverage carefully.
6 It is not identical to the outline of coverage provided
7 upon application and the coverage originally applied
8 for has not been issued."

9 (iii) The outline of coverage provided to
10 applicants shall be in the form prescribed by rule by
11 the Department.

12 (c) Insurers issuing policies that provide hospital or
13 medical expense coverage on an expense incurred or
14 indemnity basis, other than incidentally, to a person or
15 persons eligible for Medicare shall provide to the
16 policyholder a buyer's guide approved by the Director.
17 Delivery of the buyer's guide shall be made whether or not
18 the policy qualifies as a "Medicare Supplement Coverage" in
19 accordance with Section 363 of this Code. Except in the
20 case of direct response insurers, delivery of the buyer's
21 guide shall be made at the time of application, and
22 acknowledgement of receipt of certification of delivery of
23 the buyer's guide shall be provided to the insurer. Direct
24 response insurers shall deliver the buyer's guide upon
25 request, but not later than at the time the policy is
26 delivered.

27 (d) Outlines of coverage delivered in connection with
28 policies defined in subsection (4) of Section 355a of this
29 Code as Hospital confinement Indemnity (Section 4c),
30 Accident Only Coverage (Section 4f), Specified Disease
31 (Section 4g) or Limited Benefit Health Insurance Coverage
32 to persons eligible for Medicare shall contain, in addition
33 to other requirements for those outlines, the following
34 language that shall be printed on or attached to the first
35 page of the outline of coverage:

36 "This policy, certificate or subscriber contract IS

1 NOT A MEDICARE SUPPLEMENT policy or certificate. It does
2 not fully supplement your federal Medicare health
3 insurance. If you are eligible for Medicare, review the
4 Guide to Health Insurance for People with Medicare
5 available from the company."

6 (e) In the case wherein a policy, as defined in
7 paragraph (a) of subsection (2) of Section 355a of this
8 Code, being sold to a person eligible for Medicare provides
9 one or more but not all of the minimum standards for
10 Medicare supplements set forth in Section 363 of this Code,
11 disclosure must be provided that the policy is not a
12 Medicare supplement and does not meet the minimum benefit
13 standards set for those policies in this State.

14 (7) Loss ratio standards.

15 (a) Every issuer of Medicare supplement policies or
16 certificates in this State, as defined in Section 363 of
17 this Code, shall file annually its rates, rating schedule,
18 and supporting documentation demonstrating that it is in
19 compliance with the applicable loss ratio standards of this
20 State. All filings of rates and rating schedules shall
21 demonstrate that the actual and anticipated losses in
22 relation to premiums comply with the requirements of this
23 Code.

24 (b) Medicare supplement policies shall, for the entire
25 period for which rates are computed to provide coverage, on
26 the basis of incurred claims experience and earned premiums
27 for the period and in accordance with accepted actuarial
28 principles and practices, return to policyholders in the
29 form of aggregate benefits the following:

30 (i) In the case of group policies, at least 75% of
31 the aggregate amount of premiums earned.

32 (ii) In the case of individual policies, at least
33 60% of the aggregate amount of premiums earned; and
34 beginning November 5, 1991, at least 65% of the
35 aggregate amount of premiums earned.

36 (iii) In the case of sponsored group policies in

1 which coverage is marketed on an individual basis by
2 direct response to eligible individuals in that group
3 only, at least 65% of the aggregate amount of premiums
4 earned.

5 (c) For the purposes of this Section, the insurer shall
6 be deemed to comply with the loss ratio standards if: (i)
7 for the most recent year, the ratio of the incurred losses
8 to earned premiums for policies or certificates that have
9 been in force for 3 years or more is greater than or equal
10 to the applicable percentages contained in this Section;
11 and (ii) the anticipated losses in relation to premiums
12 over the entire period for which the policy is rated comply
13 with the requirements of this Section. An anticipated
14 third-year loss ratio that is greater than or equal to the
15 applicable percentage shall be demonstrated for policies
16 or certificates in force less than 3 years.

17 (8) Applicability. This Section shall apply to those
18 companies writing the kind or kinds of business enumerated in
19 Classes 1(b) and 2(a) of Section 4 of this Code and to those
20 entities organized and operating under the Voluntary Health
21 Services Plans Act and the Health Maintenance Organization Act.

22 (9) Penalties.

23 (a) Any company or agent who is found to have violated
24 any of the provisions of this Section may be required by
25 order of the Director of Insurance to forfeit by civil
26 penalty not less than \$250 ~~\$500~~ nor more than \$2,500 ~~\$5,000~~
27 for each offense. Written notice will be issued and an
28 opportunity for a hearing will be granted pursuant to
29 subsection (2) of Section 403A of this Code.

30 (b) In addition to any other applicable penalties for
31 violations of this Code, the Director may require insurers
32 violating any provision of this Code or regulations
33 promulgated pursuant to this Code to cease marketing in
34 this State any Medicare supplement policy or certificate
35 that is related directly or indirectly to a violation and
36 may require the insurer to take actions as are necessary to

1 comply with the provisions of Sections 363 and 363a of this
2 Code.

3 (c) After June 30, 1991, no person may advertise,
4 solicit for the sale or purchase of, offer for sale, or
5 deliver a Medicare supplement policy that has not been
6 approved by the Director. A person who knowingly violates,
7 directly or through an agent, the provisions of this
8 paragraph commits a Class 3 felony. Any person who violates
9 the provisions of this paragraph may be subjected to a
10 civil penalty not to exceed \$5,000 ~~\$10,000~~. The civil
11 penalty authorized in this paragraph shall be enforced in
12 the manner provided in Section 403A of this Code.

13 (10) Replacement. Application forms shall include a
14 question designed to elicit information as to whether a
15 Medicare supplement policy or certificate is intended to
16 replace any similar accident and sickness policy or certificate
17 presently in force. A supplementary application or other form
18 to be signed by the applicant containing the question may be
19 used. Upon determining that a sale of Medicare supplement
20 coverage will involve replacement, an insurer, other than a
21 direct response insurer, or its agent, shall furnish the
22 applicant, prior to issuance or delivery of the Medicare
23 supplement policy or certificate, a notice regarding
24 replacement of Medicare supplement coverage. One copy of the
25 notice shall be provided to the applicant, and an additional
26 copy signed by the applicant shall be retained by the insurer.
27 A direct response insurer shall deliver to the applicant at the
28 time of the issuance of the policy the notice regarding
29 replacement of Medicare supplement coverage.

30 (Source: P.A. 93-32, eff. 7-1-03.)

31 (215 ILCS 5/370) (from Ch. 73, par. 982)

32 Sec. 370. Policies issued in violation of article-Penalty.

33 (1) Any company, or any officer or agent thereof, issuing
34 or delivering to any person in this State any policy in wilful
35 violation of the provision of this article shall be guilty of a

1 petty offense.

2 (2) The Director may revoke the license of any foreign or
3 alien company, or of the agent thereof wilfully violating any
4 provision of this article or suspend such license for any
5 period of time up to, but not to exceed, two years; or may by
6 order require such insurance company or agent to pay to the
7 people of the State of Illinois a penalty in a sum not
8 exceeding \$500 ~~\$1,000~~, and upon the failure of such insurance
9 company or agent to pay such penalty within twenty days after
10 the mailing of such order, postage prepaid, registered, and
11 addressed to the last known place of business of such insurance
12 company or agent, unless such order is stayed by an order of a
13 court of competent jurisdiction, the Director of Insurance may
14 revoke or suspend the license of such insurance company or
15 agent for any period of time up to, but not exceeding a period
16 of, two years.

17 (Source: P.A. 93-32, eff. 7-1-03.)

18 (215 ILCS 5/403) (from Ch. 73, par. 1015)

19 Sec. 403. Power to subpoena and examine witnesses.

20 (1) In the conduct of any examination, investigation or
21 hearing provided for by this Code, the Director or other
22 officer designated by him or her to conduct the same, shall
23 have power to compel the attendance of any person by subpoena,
24 to administer oaths and to examine any person under oath
25 concerning the business, conduct or affairs of any company or
26 person subject to the provisions of this Code, and in
27 connection therewith to require the production of any books,
28 records or papers relevant to the inquiry.

29 (2) If a person subpoenaed to attend such inquiry fails to
30 obey the command of the subpoena without reasonable excuse, or
31 if a person in attendance upon such inquiry shall, without
32 reasonable cause, refuse to be sworn or to be examined or to
33 answer a question or to produce a book or paper when ordered to
34 do so by any officer conducting such inquiry, or if any person
35 fails to perform any act required hereunder to be performed, he

1 or she shall be required to pay a penalty of not more than
2 \$1,000 ~~\$2,000~~ to be recovered in the name of the People of the
3 State of Illinois by the State's Attorney of the county in
4 which the violation occurs, and the penalty so recovered shall
5 be paid into the county treasury.

6 (3) When any person neglects or refuses without reasonable
7 cause to obey a subpoena issued by the Director, or refuses
8 without reasonable cause to testify, to be sworn or to produce
9 any book or paper described in the subpoena, the Director may
10 file a petition against such person in the circuit court of the
11 county in which the testimony is desired to be or has been
12 taken or has been attempted to be taken, briefly setting forth
13 the fact of such refusal or neglect and attaching a copy of the
14 subpoena and the return of service thereon and applying for an
15 order requiring such person to attend, testify or produce the
16 books or papers before the Director or his or her actuary,
17 supervisor, deputy or examiner, at such time or place as may be
18 specified in such order. Any circuit court of this State, upon
19 the filing of such petition, either before or after notice to
20 such person, may, in the judicial discretion of such court,
21 order the attendance of such person, the production of books
22 and papers and the giving of testimony before the Director or
23 any of his or her actuaries, supervisors, deputies or
24 examiners. If such person shall fail or refuse to obey the
25 order of the court and it shall appear to the court that the
26 failure or refusal of such person to obey its order is wilful,
27 and without lawful excuse, the court shall punish such person
28 by fine or imprisonment in the county jail, or both, as the
29 nature of the case may require, as is now, or as may hereafter
30 be lawful for the court to do in cases of contempt of court.

31 (4) The fees of witnesses for attendance and travel shall
32 be the same as the fees of witnesses before the circuit courts
33 of this State. When a witness is subpoenaed by or testifies at
34 the instance of the Director or other officer designated by him
35 or her, such fees shall be paid in the same manner as other
36 expenses of the Department. When a witness is subpoenaed or

1 testifies at the instance of any other party to any such
2 proceeding, the cost of the subpoena or subpoenas duces tecum
3 and the fee of the witness shall be borne by the party at whose
4 instance a witness is summoned. In such case, the Department in
5 its discretion, may require a deposit to cover the cost of such
6 service and witness fees.

7 (Source: P.A. 93-32, eff. 7-1-03.)

8 (215 ILCS 5/403A) (from Ch. 73, par. 1015A)

9 Sec. 403A. Violations; Notice of Apparent Liability;
10 Limitation of Forfeiture Liability.

11 (1) Any company or person, agent or broker, officer or
12 director and any other person subject to this Code and as may
13 be defined in Section 2 of this Code, who willfully or
14 repeatedly fails to observe or who otherwise violates any of
15 the provisions of this Code or any rule or regulation
16 promulgated by the Director under authority of this Code or any
17 final order of the Director entered under the authority of this
18 Code shall by civil penalty forfeit to the State of Illinois a
19 sum not to exceed \$1,000 ~~\$2,000~~. Each day during which a
20 violation occurs constitutes a separate offense. The civil
21 penalty provided for in this Section shall apply only to those
22 Sections of this Code or administrative regulations thereunder
23 that do not otherwise provide for a monetary civil penalty.

24 (2) No forfeiture liability under paragraph (1) of this
25 Section may attach unless a written notice of apparent
26 liability has been issued by the Director and received by the
27 respondent, or the Director sends written notice of apparent
28 liability by registered or certified mail, return receipt
29 requested, to the last known address of the respondent. Any
30 respondent so notified must be granted an opportunity to
31 request a hearing within 10 days from receipt of notice, or to
32 show in writing, why he should not be held liable. A notice
33 issued under this Section must set forth the date, facts and
34 nature of the act or omission with which the respondent is
35 charged and must specifically identify the particular

1 provision of the Code, rule, regulation or order of which a
2 violation is charged.

3 (3) No forfeiture liability under paragraph (1) of this
4 Section may attach for any violation occurring more than 2
5 years prior to the date of issuance of the notice of apparent
6 liability and in no event may the total civil penalty
7 forfeiture imposed for the acts or omissions set forth in any
8 one notice of apparent liability exceed \$250,000 ~~\$500,000~~.

9 (4) The civil penalty forfeitures provided for in this
10 Section are payable to the General Revenue Fund of the State of
11 Illinois, and may be recovered in a civil suit in the name of
12 the State of Illinois brought in the Circuit Court in Sangamon
13 County, or in the Circuit Court of the county where the
14 respondent is domiciled or has its principal operating office.

15 (5) In any case where the Director issues a notice of
16 apparent liability looking toward the imposition of a civil
17 penalty forfeiture under this Section, that fact may not be
18 used in any other proceeding before the Director to the
19 prejudice of the respondent to whom the notice was issued,
20 unless (a) the civil penalty forfeiture has been paid, or (b) a
21 court has ordered payment of the civil penalty forfeiture and
22 that order has become final.

23 (Source: P.A. 93-32, eff. 7-1-03.)

24 (215 ILCS 5/408) (from Ch. 73, par. 1020)

25 Sec. 408. Fees and charges.

26 (1) The Director shall charge, collect and give proper
27 acquittances for the payment of the following fees and charges:

28 (a) For filing all documents submitted for the
29 incorporation or organization or certification of a
30 domestic company, except for a fraternal benefit society,
31 \$1,000 ~~\$2,000~~.

32 (b) For filing all documents submitted for the
33 incorporation or organization of a fraternal benefit
34 society, \$250 ~~\$500~~.

35 (c) For filing amendments to articles of incorporation

1 and amendments to declaration of organization, except for a
2 fraternal benefit society, a mutual benefit association, a
3 burial society or a farm mutual, \$100 ~~\$200~~.

4 (d) For filing amendments to articles of incorporation
5 of a fraternal benefit society, a mutual benefit
6 association or a burial society, \$50 ~~\$100~~.

7 (e) For filing amendments to articles of incorporation
8 of a farm mutual, \$25 ~~\$50~~.

9 (f) For filing bylaws or amendments thereto, \$25 ~~\$50~~.

10 (g) For filing agreement of merger or consolidation:

11 (i) for a domestic company, except for a fraternal
12 benefit society, a mutual benefit association, a
13 burial society, or a farm mutual, \$1,000 ~~\$2,000~~.

14 (ii) for a foreign or alien company, except for a
15 fraternal benefit society, \$300 ~~\$600~~.

16 (iii) for a fraternal benefit society, a mutual
17 benefit association, a burial society, or a farm
18 mutual, \$100 ~~\$200~~.

19 (h) For filing agreements of reinsurance by a domestic
20 company, \$100 ~~\$200~~.

21 (i) For filing all documents submitted by a foreign or
22 alien company to be admitted to transact business or
23 accredited as a reinsurer in this State, except for a
24 fraternal benefit society, \$2,500 ~~\$5,000~~.

25 (j) For filing all documents submitted by a foreign or
26 alien fraternal benefit society to be admitted to transact
27 business in this State, \$250 ~~\$500~~.

28 (k) For filing declaration of withdrawal of a foreign
29 or alien company, \$25 ~~\$50~~.

30 (l) For filing annual statement, except a fraternal
31 benefit society, a mutual benefit association, a burial
32 society, or a farm mutual, \$100 ~~\$200~~.

33 (m) For filing annual statement by a fraternal benefit
34 society, \$50 ~~\$100~~.

35 (n) For filing annual statement by a farm mutual, a
36 mutual benefit association, or a burial society, \$25 ~~\$50~~.

1 (o) For issuing a certificate of authority or renewal
2 thereof except to a fraternal benefit society, \$100 ~~\$200~~.

3 (p) For issuing a certificate of authority or renewal
4 thereof to a fraternal benefit society, \$50 ~~\$100~~.

5 (q) For issuing an amended certificate of authority,
6 \$25 ~~\$50~~.

7 (r) For each certified copy of certificate of
8 authority, \$10 ~~\$20~~.

9 (s) For each certificate of deposit, or valuation, or
10 compliance or surety certificate, \$10 ~~\$20~~.

11 (t) For copies of papers or records per page, \$1.

12 (u) For each certification to copies of papers or
13 records, \$10.

14 (v) For multiple copies of documents or certificates
15 listed in subparagraphs (r), (s), and (u) of paragraph (1)
16 of this Section, \$10 for the first copy of a certificate of
17 any type and \$5 for each additional copy of the same
18 certificate requested at the same time, unless, pursuant to
19 paragraph (2) of this Section, the Director finds these
20 additional fees excessive.

21 (w) For issuing a permit to sell shares or increase
22 paid-up capital:

23 (i) in connection with a public stock offering,
24 \$150 ~~\$300~~;

25 (ii) in any other case, \$50 ~~\$100~~.

26 (x) For issuing any other certificate required or
27 permissible under the law, \$25 ~~\$50~~.

28 (y) For filing a plan of exchange of the stock of a
29 domestic stock insurance company, a plan of
30 demutualization of a domestic mutual company, or a plan of
31 reorganization under Article XII, \$1,000 ~~\$2,000~~.

32 (z) For filing a statement of acquisition of a domestic
33 company as defined in Section 131.4 of this Code, \$1,000
34 ~~\$2,000~~.

35 (aa) For filing an agreement to purchase the business
36 of an organization authorized under the Dental Service Plan

1 Act or the Voluntary Health Services Plans Act or of a
2 health maintenance organization or a limited health
3 service organization, \$1,000 ~~\$2,000~~.

4 (bb) For filing a statement of acquisition of a foreign
5 or alien insurance company as defined in Section 131.12a of
6 this Code, \$500 ~~\$1,000~~.

7 (cc) For filing a registration statement as required in
8 Sections 131.13 and 131.14, the notification as required by
9 Sections 131.16, 131.20a, or 141.4, or an agreement or
10 transaction required by Sections 124.2(2), 141, 141a, or
11 141.1, \$100 ~~\$200~~.

12 (dd) For filing an application for licensing of:

13 (i) a religious or charitable risk pooling trust or
14 a workers' compensation pool, \$500 ~~\$1,000~~;

15 (ii) a workers' compensation service company, \$250
16 ~~\$500~~;

17 (iii) a self-insured automobile fleet, \$100 ~~\$200~~;

18 or

19 (iv) a renewal of or amendment of any license
20 issued pursuant to (i), (ii), or (iii) above, \$50 ~~\$100~~.

21 (ee) For filing articles of incorporation for a
22 syndicate to engage in the business of insurance through
23 the Illinois Insurance Exchange, \$1,000 ~~\$2,000~~.

24 (ff) For filing amended articles of incorporation for a
25 syndicate engaged in the business of insurance through the
26 Illinois Insurance Exchange, \$50 ~~\$100~~.

27 (gg) For filing articles of incorporation for a limited
28 syndicate to join with other subscribers or limited
29 syndicates to do business through the Illinois Insurance
30 Exchange, \$500 ~~\$1,000~~.

31 (hh) For filing amended articles of incorporation for a
32 limited syndicate to do business through the Illinois
33 Insurance Exchange, \$50 ~~\$100~~.

34 (ii) For a permit to solicit subscriptions to a
35 syndicate or limited syndicate, \$50 ~~\$100~~.

36 (jj) For the filing of each form as required in Section

1 143 of this Code, \$50 per form. The fee for advisory and
2 rating organizations shall be \$100 ~~\$200~~ per form.

3 (i) For the purposes of the form filing fee,
4 filings made on insert page basis will be considered
5 one form at the time of its original submission.
6 Changes made to a form subsequent to its approval shall
7 be considered a new filing.

8 (ii) Only one fee shall be charged for a form,
9 regardless of the number of other forms or policies
10 with which it will be used.

11 (iii) (Blank).

12 (iv) The Director may by rule exempt forms from
13 such fees.

14 (kk) For filing an application for licensing of a
15 reinsurance intermediary, \$250 ~~\$500~~.

16 (ll) For filing an application for renewal of a license
17 of a reinsurance intermediary, \$100 ~~\$200~~.

18 (2) When printed copies or numerous copies of the same
19 paper or records are furnished or certified, the Director may
20 reduce such fees for copies if he finds them excessive. He may,
21 when he considers it in the public interest, furnish without
22 charge to state insurance departments and persons other than
23 companies, copies or certified copies of reports of
24 examinations and of other papers and records.

25 (3) The expenses incurred in any performance examination
26 authorized by law shall be paid by the company or person being
27 examined. The charge shall be reasonably related to the cost of
28 the examination including but not limited to compensation of
29 examiners, electronic data processing costs, supervision and
30 preparation of an examination report and lodging and travel
31 expenses. All lodging and travel expenses shall be in accord
32 with the applicable travel regulations as published by the
33 Department of Central Management Services and approved by the
34 Governor's Travel Control Board, except that out-of-state
35 lodging and travel expenses related to examinations authorized
36 under Section 132 shall be in accordance with travel rates

1 prescribed under paragraph 301-7.2 of the Federal Travel
2 Regulations, 41 C.F.R. 301-7.2, for reimbursement of
3 subsistence expenses incurred during official travel. All
4 lodging and travel expenses may be reimbursed directly upon
5 authorization of the Director. With the exception of the direct
6 reimbursements authorized by the Director, all performance
7 examination charges collected by the Department shall be paid
8 to the Insurance Producers Administration Fund, however, the
9 electronic data processing costs incurred by the Department in
10 the performance of any examination shall be billed directly to
11 the company being examined for payment to the Statistical
12 Services Revolving Fund.

13 (4) At the time of any service of process on the Director
14 as attorney for such service, the Director shall charge and
15 collect the sum of \$10 ~~\$20~~, which may be recovered as taxable
16 costs by the party to the suit or action causing such service
17 to be made if he prevails in such suit or action.

18 (5) (a) The costs incurred by the Department of Insurance
19 in conducting any hearing authorized by law shall be assessed
20 against the parties to the hearing in such proportion as the
21 Director of Insurance may determine upon consideration of all
22 relevant circumstances including: (1) the nature of the
23 hearing; (2) whether the hearing was instigated by, or for the
24 benefit of a particular party or parties; (3) whether there is
25 a successful party on the merits of the proceeding; and (4) the
26 relative levels of participation by the parties.

27 (b) For purposes of this subsection (5) costs incurred
28 shall mean the hearing officer fees, court reporter fees, and
29 travel expenses of Department of Insurance officers and
30 employees; provided however, that costs incurred shall not
31 include hearing officer fees or court reporter fees unless the
32 Department has retained the services of independent
33 contractors or outside experts to perform such functions.

34 (c) The Director shall make the assessment of costs
35 incurred as part of the final order or decision arising out of
36 the proceeding; provided, however, that such order or decision

1 shall include findings and conclusions in support of the
2 assessment of costs. This subsection (5) shall not be construed
3 as permitting the payment of travel expenses unless calculated
4 in accordance with the applicable travel regulations of the
5 Department of Central Management Services, as approved by the
6 Governor's Travel Control Board. The Director as part of such
7 order or decision shall require all assessments for hearing
8 officer fees and court reporter fees, if any, to be paid
9 directly to the hearing officer or court reporter by the
10 party(s) assessed for such costs. The assessments for travel
11 expenses of Department officers and employees shall be
12 reimbursable to the Director of Insurance for deposit to the
13 fund out of which those expenses had been paid.

14 (d) The provisions of this subsection (5) shall apply in
15 the case of any hearing conducted by the Director of Insurance
16 not otherwise specifically provided for by law.

17 (6) The Director shall charge and collect an annual
18 financial regulation fee from every domestic company for
19 examination and analysis of its financial condition and to fund
20 the internal costs and expenses of the Interstate Insurance
21 Receivership Commission as may be allocated to the State of
22 Illinois and companies doing an insurance business in this
23 State pursuant to Article X of the Interstate Insurance
24 Receivership Compact. The fee shall be the greater fixed amount
25 based upon the combination of nationwide direct premium income
26 and nationwide reinsurance assumed premium income or upon
27 admitted assets calculated under this subsection as follows:

28 (a) Combination of nationwide direct premium income
29 and nationwide reinsurance assumed premium.

30 (i) \$100 ~~\$150~~, if the premium is less than \$500,000
31 and there is no reinsurance assumed premium;

32 (ii) \$500 ~~\$750~~, if the premium is \$500,000 or more,
33 but less than \$5,000,000 and there is no reinsurance
34 assumed premium; or if the premium is less than
35 \$5,000,000 and the reinsurance assumed premium is less
36 than \$10,000,000;

1 (iii) \$2,500 ~~\$3,750~~, if the premium is less than
2 \$5,000,000 and the reinsurance assumed premium is
3 \$10,000,000 or more;

4 (iv) \$5,000 ~~\$7,500~~, if the premium is \$5,000,000 or
5 more, but less than \$10,000,000;

6 (v) \$12,000 ~~\$18,000~~, if the premium is \$10,000,000
7 or more, but less than \$25,000,000;

8 (vi) \$15,000 ~~\$22,500~~, if the premium is
9 \$25,000,000 or more, but less than \$50,000,000;

10 (vii) \$20,000 ~~\$30,000~~, if the premium is
11 \$50,000,000 or more, but less than \$100,000,000;

12 (viii) \$25,000 ~~\$37,500~~, if the premium is
13 \$100,000,000 or more.

14 (b) Admitted assets.

15 (i) \$100 ~~\$150~~, if admitted assets are less than
16 \$1,000,000;

17 (ii) \$500 ~~\$750~~, if admitted assets are \$1,000,000
18 or more, but less than \$5,000,000;

19 (iii) \$2,500 ~~\$3,750~~, if admitted assets are
20 \$5,000,000 or more, but less than \$25,000,000;

21 (iv) \$5,000 ~~\$7,500~~, if admitted assets are
22 \$25,000,000 or more, but less than \$50,000,000;

23 (v) \$12,000 ~~\$18,000~~, if admitted assets are
24 \$50,000,000 or more, but less than \$100,000,000;

25 (vi) \$15,000 ~~\$22,500~~, if admitted assets are
26 \$100,000,000 or more, but less than \$500,000,000;

27 (vii) \$20,000 ~~\$30,000~~, if admitted assets are
28 \$500,000,000 or more, but less than \$1,000,000,000;

29 (viii) \$25,000 ~~\$37,500~~, if admitted assets are
30 \$1,000,000,000 or more.

31 (c) The sum of financial regulation fees charged to the
32 domestic companies of the same affiliated group shall not
33 exceed \$100,000 ~~\$250,000~~ in the aggregate in any single
34 year and shall be billed by the Director to the member
35 company designated by the group.

36 (7) The Director shall charge and collect an annual

1 financial regulation fee from every foreign or alien company,
2 except fraternal benefit societies, for the examination and
3 analysis of its financial condition and to fund the internal
4 costs and expenses of the Interstate Insurance Receivership
5 Commission as may be allocated to the State of Illinois and
6 companies doing an insurance business in this State pursuant to
7 Article X of the Interstate Insurance Receivership Compact. The
8 fee shall be a fixed amount based upon Illinois direct premium
9 income and nationwide reinsurance assumed premium income in
10 accordance with the following schedule:

11 (a) \$100 ~~\$150~~, if the premium is less than \$500,000 and
12 there is no reinsurance assumed premium;

13 (b) \$500 ~~\$750~~, if the premium is \$500,000 or more, but
14 less than \$5,000,000 and there is no reinsurance assumed
15 premium; or if the premium is less than \$5,000,000 and the
16 reinsurance assumed premium is less than \$10,000,000;

17 (c) \$2,500 ~~\$3,750~~, if the premium is less than
18 \$5,000,000 and the reinsurance assumed premium is
19 \$10,000,000 or more;

20 (d) \$5,000 ~~\$7,500~~, if the premium is \$5,000,000 or
21 more, but less than \$10,000,000;

22 (e) \$12,000 ~~\$18,000~~, if the premium is \$10,000,000 or
23 more, but less than \$25,000,000;

24 (f) \$15,000 ~~\$22,500~~, if the premium is \$25,000,000 or
25 more, but less than \$50,000,000;

26 (g) \$20,000 ~~\$30,000~~, if the premium is \$50,000,000 or
27 more, but less than \$100,000,000;

28 (h) \$25,000 ~~\$37,500~~, if the premium is \$100,000,000 or
29 more.

30 The sum of financial regulation fees under this subsection
31 (7) charged to the foreign or alien companies within the same
32 affiliated group shall not exceed \$100,000 ~~\$250,000~~ in the
33 aggregate in any single year and shall be billed by the
34 Director to the member company designated by the group.

35 (8) Beginning January 1, 1992, the financial regulation
36 fees imposed under subsections (6) and (7) of this Section

1 shall be paid by each company or domestic affiliated group
2 annually. After January 1, 1994, the fee shall be billed by
3 Department invoice based upon the company's premium income or
4 admitted assets as shown in its annual statement for the
5 preceding calendar year. The invoice is due upon receipt and
6 must be paid no later than June 30 of each calendar year. All
7 financial regulation fees collected by the Department shall be
8 paid to the Insurance Financial Regulation Fund. The Department
9 may not collect financial examiner per diem charges from
10 companies subject to subsections (6) and (7) of this Section
11 undergoing financial examination after June 30, 1992.

12 (9) In addition to the financial regulation fee required by
13 this Section, a company undergoing any financial examination
14 authorized by law shall pay the following costs and expenses
15 incurred by the Department: electronic data processing costs,
16 the expenses authorized under Section 131.21 and subsection (d)
17 of Section 132.4 of this Code, and lodging and travel expenses.

18 Electronic data processing costs incurred by the
19 Department in the performance of any examination shall be
20 billed directly to the company undergoing examination for
21 payment to the Statistical Services Revolving Fund. Except for
22 direct reimbursements authorized by the Director or direct
23 payments made under Section 131.21 or subsection (d) of Section
24 132.4 of this Code, all financial regulation fees and all
25 financial examination charges collected by the Department
26 shall be paid to the Insurance Financial Regulation Fund.

27 All lodging and travel expenses shall be in accordance with
28 applicable travel regulations published by the Department of
29 Central Management Services and approved by the Governor's
30 Travel Control Board, except that out-of-state lodging and
31 travel expenses related to examinations authorized under
32 Sections 132.1 through 132.7 shall be in accordance with travel
33 rates prescribed under paragraph 301-7.2 of the Federal Travel
34 Regulations, 41 C.F.R. 301-7.2, for reimbursement of
35 subsistence expenses incurred during official travel. All
36 lodging and travel expenses may be reimbursed directly upon the

1 authorization of the Director.

2 In the case of an organization or person not subject to the
3 financial regulation fee, the expenses incurred in any
4 financial examination authorized by law shall be paid by the
5 organization or person being examined. The charge shall be
6 reasonably related to the cost of the examination including,
7 but not limited to, compensation of examiners and other costs
8 described in this subsection.

9 (10) Any company, person, or entity failing to make any
10 payment of \$100 ~~\$150~~ or more as required under this Section
11 shall be subject to the penalty and interest provisions
12 provided for in subsections (4) and (7) of Section 412.

13 (11) Unless otherwise specified, all of the fees collected
14 under this Section shall be paid into the Insurance Financial
15 Regulation Fund.

16 (12) For purposes of this Section:

17 (a) "Domestic company" means a company as defined in
18 Section 2 of this Code which is incorporated or organized
19 under the laws of this State, and in addition includes a
20 not-for-profit corporation authorized under the Dental
21 Service Plan Act or the Voluntary Health Services Plans
22 Act, a health maintenance organization, and a limited
23 health service organization.

24 (b) "Foreign company" means a company as defined in
25 Section 2 of this Code which is incorporated or organized
26 under the laws of any state of the United States other than
27 this State and in addition includes a health maintenance
28 organization and a limited health service organization
29 which is incorporated or organized under the laws of any
30 state of the United States other than this State.

31 (c) "Alien company" means a company as defined in
32 Section 2 of this Code which is incorporated or organized
33 under the laws of any country other than the United States.

34 (d) "Fraternal benefit society" means a corporation,
35 society, order, lodge or voluntary association as defined
36 in Section 282.1 of this Code.

1 (e) "Mutual benefit association" means a company,
2 association or corporation authorized by the Director to do
3 business in this State under the provisions of Article
4 XVIII of this Code.

5 (f) "Burial society" means a person, firm,
6 corporation, society or association of individuals
7 authorized by the Director to do business in this State
8 under the provisions of Article XIX of this Code.

9 (g) "Farm mutual" means a district, county and township
10 mutual insurance company authorized by the Director to do
11 business in this State under the provisions of the Farm
12 Mutual Insurance Company Act of 1986.

13 (Source: P.A. 93-32, eff. 7-1-03; 93-1083, eff. 2-7-05.)

14 (215 ILCS 5/412) (from Ch. 73, par. 1024)

15 Sec. 412. Refunds; penalties; collection.

16 (1) (a) Whenever it appears to the satisfaction of the
17 Director that because of some mistake of fact, error in
18 calculation, or erroneous interpretation of a statute of
19 this or any other state, any authorized company has paid to
20 him, pursuant to any provision of law, taxes, fees, or
21 other charges in excess of the amount legally chargeable
22 against it, during the 6 year period immediately preceding
23 the discovery of such overpayment, he shall have power to
24 refund to such company the amount of the excess or excesses
25 by applying the amount or amounts thereof toward the
26 payment of taxes, fees, or other charges already due, or
27 which may thereafter become due from that company until
28 such excess or excesses have been fully refunded, or upon a
29 written request from the authorized company, the Director
30 shall provide a cash refund within 120 days after receipt
31 of the written request if all necessary information has
32 been filed with the Department in order for it to perform
33 an audit of the annual return for the year in which the
34 overpayment occurred or within 120 days after the date the
35 Department receives all the necessary information to

1 perform such audit. The Director shall not provide a cash
2 refund if there are insufficient funds in the Insurance
3 Premium Tax Refund Fund to provide a cash refund, if the
4 amount of the overpayment is less than \$100, or if the
5 amount of the overpayment can be fully offset against the
6 taxpayer's estimated liability for the year following the
7 year of the cash refund request. Any cash refund shall be
8 paid from the Insurance Premium Tax Refund Fund, a special
9 fund hereby created in the State treasury.

10 (b) Beginning January 1, 2000 and thereafter, the
11 Department shall deposit a percentage of the amounts
12 collected under Sections 409, 444, and 444.1 of this Code
13 into the Insurance Premium Tax Refund Fund. The percentage
14 deposited into the Insurance Premium Tax Refund Fund shall
15 be the annual percentage. The annual percentage shall be
16 calculated as a fraction, the numerator of which shall be
17 the amount of cash refunds approved by the Director for
18 payment and paid during the preceding calendar year as a
19 result of overpayment of tax liability under Sections 409,
20 444, and 444.1 of this Code and the denominator of which
21 shall be the amounts collected pursuant to Sections 409,
22 444, and 444.1 of this Code during the preceding calendar
23 year. However, if there were no cash refunds paid in a
24 preceding calendar year, the Department shall deposit 5% of
25 the amount collected in that preceding calendar year
26 pursuant to Sections 409, 444, and 444.1 of this Code into
27 the Insurance Premium Tax Refund Fund instead of an amount
28 calculated by using the annual percentage.

29 (c) Beginning July 1, 1999, moneys in the Insurance
30 Premium Tax Refund Fund shall be expended exclusively for
31 the purpose of paying cash refunds resulting from
32 overpayment of tax liability under Sections 409, 444, and
33 444.1 of this Code as determined by the Director pursuant
34 to subsection 1(a) of this Section. Cash refunds made in
35 accordance with this Section may be made from the Insurance
36 Premium Tax Refund Fund only to the extent that amounts

1 have been deposited and retained in the Insurance Premium
2 Tax Refund Fund.

3 (d) This Section shall constitute an irrevocable and
4 continuing appropriation from the Insurance Premium Tax
5 Refund Fund for the purpose of paying cash refunds pursuant
6 to the provisions of this Section.

7 (2) When any insurance company or any surplus line producer
8 fails to file any tax return required under Sections 408.1,
9 409, 444, 444.1 and 445 of this Code or Section 12 of the Fire
10 Investigation Act on the date prescribed, including any
11 extensions, there shall be added as a penalty \$200 ~~\$400~~ or 5%
12 ~~10%~~ of the amount of such tax, whichever is greater, for each
13 month or part of a month of failure to file, the entire penalty
14 not to exceed \$1,000 or 25% ~~\$2,000 or 50%~~ of the tax due,
15 whichever is greater.

16 (3) (a) When any insurance company or any surplus line
17 producer fails to pay the full amount due under the
18 provisions of this Section, Sections 408.1, 409, 444, 444.1
19 or 445 of this Code, or Section 12 of the Fire
20 Investigation Act, there shall be added to the amount due
21 as a penalty an amount equal to 5% ~~10%~~ of the deficiency.

22 (b) If such failure to pay is determined by the
23 Director to be wilful, after a hearing under Sections 402
24 and 403, there shall be added to the tax as a penalty an
25 amount equal to the greater of 25% ~~50%~~ of the deficiency or
26 5% ~~10%~~ of the amount due and unpaid for each month or part
27 of a month that the deficiency remains unpaid commencing
28 with the date that the amount becomes due. Such amount
29 shall be in lieu of any determined under paragraph (a).

30 (4) Any insurance company or any surplus line producer
31 which fails to pay the full amount due under this Section or
32 Sections 408.1, 409, 444, 444.1 or 445 of this Code, or Section
33 12 of the Fire Investigation Act is liable, in addition to the
34 tax and any penalties, for interest on such deficiency at the
35 rate of 12% per annum, or at such higher adjusted rates as are
36 or may be established under subsection (b) of Section 6621 of

1 the Internal Revenue Code, from the date that payment of any
2 such tax was due, determined without regard to any extensions,
3 to the date of payment of such amount.

4 (5) The Director, through the Attorney General, may
5 institute an action in the name of the People of the State of
6 Illinois, in any court of competent jurisdiction, for the
7 recovery of the amount of such taxes, fees, and penalties due,
8 and prosecute the same to final judgment, and take such steps
9 as are necessary to collect the same.

10 (6) In the event that the certificate of authority of a
11 foreign or alien company is revoked for any cause or the
12 company withdraws from this State prior to the renewal date of
13 the certificate of authority as provided in Section 114, the
14 company may recover the amount of any such tax paid in advance.
15 Except as provided in this subsection, no revocation or
16 withdrawal excuses payment of or constitutes grounds for the
17 recovery of any taxes or penalties imposed by this Code.

18 (7) When an insurance company or domestic affiliated group
19 fails to pay the full amount of any fee of \$100 ~~\$200~~ or more due
20 under Section 408 of this Code, there shall be added to the
21 amount due as a penalty the greater of \$50 ~~\$100~~ or an amount
22 equal to 5% ~~10%~~ of the deficiency for each month or part of a
23 month that the deficiency remains unpaid.

24 (Source: P.A. 93-32, eff. 7-1-03.)

25 (215 ILCS 5/416)

26 Sec. 416. Illinois Workers' Compensation Commission
27 Operations Fund Surcharge.

28 (a) As of July 30, 2004 (the effective date of Public Act
29 93-840) and until the effective date of this amendatory Act of
30 the 94th General Assembly ~~this amendatory Act of 2004~~, every
31 company licensed or authorized by the Illinois Department of
32 Insurance and insuring employers' liabilities arising under
33 the Workers' Compensation Act or the Workers' Occupational
34 Diseases Act shall remit to the Director a surcharge based upon
35 the annual direct written premium, as reported under Section

1 136 of this Act, of the company in the manner provided in this
2 Section. Such proceeds shall be deposited into the Illinois
3 Workers' Compensation Commission Operations Fund as
4 established in the Workers' Compensation Act. If a company
5 survives or was formed by a merger, consolidation,
6 reorganization, or reincorporation, the direct written
7 premiums of all companies party to the merger, consolidation,
8 reorganization, or reincorporation shall, for purposes of
9 determining the amount of the fee imposed by this Section, be
10 regarded as those of the surviving or new company.

11 (b) (1) Except as provided in subsection (b) (2) of this
12 Section, beginning on July 30, 2004 (the effective date of
13 Public Act 93-840) and until the effective date of this
14 amendatory Act of the 94th General Assembly ~~this amendatory Act~~
15 ~~of 2004~~ and on July 1 of each year thereafter, the Director
16 shall charge an annual Illinois Workers' Compensation
17 Commission Operations Fund Surcharge from every company
18 subject to subsection (a) of this Section equal to 1.01% of its
19 direct written premium for insuring employers' liabilities
20 arising under the Workers' Compensation Act or Workers'
21 Occupational Diseases Act as reported in each company's annual
22 statement filed for the previous year as required by Section
23 136. The Illinois Workers' Compensation ~~Industrial~~
24 Commission Operations Fund Surcharge shall not be collected by
25 companies subject to subsection (a) of this Section from any
26 employer that self-insures its liabilities arising under the
27 Workers' Compensation Act or Workers' Occupational Diseases
28 Act, provided that the employer has paid the Illinois Workers'
29 Compensation ~~Industrial~~ Commission Operations Fund Fee
30 pursuant to Section 4d of the Workers' Compensation Act. All
31 sums collected by the Department of Insurance under the
32 provisions of this Section shall be paid promptly after the
33
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1 receipt of the same, accompanied by a detailed statement
2 thereof, into the Illinois Workers' Compensation Commission
3 Operations Fund in the State treasury.

4 (b) (2) The surcharge due pursuant to Public Act 93-840 ~~this~~
5 ~~amendatory Act of 2004~~ shall be collected instead of the
6 surcharge due on July 1, 2004 under Public Act 93-32. Payment
7 of the surcharge due under Public Act 93-840 ~~this amendatory~~
8 ~~Act of 2004~~ shall discharge the employer's obligations due on
9 July 1, 2004.

10 (c) In addition to the authority specifically granted under
11 Article XXV of this Code, the Director shall have such
12 authority to adopt rules or establish forms as may be
13 reasonably necessary for purposes of enforcing this Section.
14 The Director shall also have authority to defer, waive, or
15 abate the surcharge or any penalties imposed by this Section if
16 in the Director's opinion the company's solvency and ability to
17 meet its insured obligations would be immediately threatened by
18 payment of the surcharge due.

19 (d) When a company fails to pay the full amount of any
20 annual Illinois Workers' Compensation Commission Operations
21 Fund Surcharge of \$100 or more due under this Section, there
22 shall be added to the amount due as a penalty the greater of
23 \$1,000 or an amount equal to 5% of the deficiency for each
24 month or part of a month that the deficiency remains unpaid.

25 (e) The Department of Insurance may enforce the collection
26 of any delinquent payment, penalty, or portion thereof by legal
27 action or in any other manner by which the collection of debts
28 due the State of Illinois may be enforced under the laws of
29 this State.

30 (f) Whenever it appears to the satisfaction of the Director
31 that a company has paid pursuant to this Act an Illinois
32 Workers' Compensation Commission Operations Fund Surcharge in
33 an amount in excess of the amount legally collectable from the
34 company, the Director shall issue a credit memorandum for an
35 amount equal to the amount of such overpayment. A credit
36 memorandum may be applied for the 2-year period from the date

1 of issuance, against the payment of any amount due during that
2 period under the surcharge imposed by this Section or, subject
3 to reasonable rule of the Department of Insurance including
4 requirement of notification, may be assigned to any other
5 company subject to regulation under this Act. Any application
6 of credit memoranda after the period provided for in this
7 Section is void.

8 (g) Annually, the Governor may direct a transfer of up to
9 2% of all moneys collected under this Section to the Insurance
10 Financial Regulation Fund.

11 (Source: P.A. 93-32, eff. 6-20-03; 93-721, eff. 1-1-05; 93-840,
12 eff. 7-30-04; revised 12-29-04.)

13 (215 ILCS 5/431) (from Ch. 73, par. 1038)

14 Sec. 431. Penalty. Any person who violates a cease and
15 desist order of the Director under Section 427, after it has
16 become final, and while such order is in effect, or who
17 violates an order of the Circuit Court under Section 429,
18 shall, upon proof thereof to the satisfaction of the court,
19 forfeit and pay to the State of Illinois, a sum not to exceed
20 \$500 ~~\$1,000~~, which may be recovered in a civil action, for each
21 violation.

22 (Source: P.A. 93-32, eff. 7-1-03.)

23 (215 ILCS 5/445) (from Ch. 73, par. 1057)

24 Sec. 445. Surplus line.

25 (1) Surplus line defined; surplus line insurer
26 requirements. "Surplus line insurance" means insurance on an
27 Illinois risk of the kinds specified in Classes 2 and 3 of
28 Section 4 of this Code procured from an unauthorized insurer
29 after the insurance producer representing the insured or the
30 surplus line producer is unable, after diligent effort, to
31 procure said insurance from authorized insurers.

32 "Authorized insurer" means an insurer that holds a
33 certificate of authority issued by the Director but, for the
34 purposes of this Section, does not include a domestic surplus

1 line insurer as defined in Section 445a or any residual market
2 mechanism.

3 "Residual market mechanism" means an association,
4 organization, or other entity described in Article XXXIII of
5 this Code or Section 7-501 of the Illinois Vehicle Code or any
6 similar association, organization, or other entity.

7 "Unauthorized insurer" means an insurer that does not hold
8 a valid certificate of authority issued by the Director but,
9 for the purposes of this Section, shall also include a domestic
10 surplus line insurer as defined in Section 445a.

11 Insurance producers may procure surplus line insurance
12 only if licensed as a surplus line producer under this Section
13 and may procure that insurance only from an unauthorized
14 insurer:

15 (a) that based upon information available to the
16 surplus line producer has a policyholders surplus of not
17 less than \$15,000,000 determined in accordance with
18 accounting rules that are applicable to authorized
19 insurers; and

20 (b) that has standards of solvency and management that
21 are adequate for the protection of policyholders; and

22 (c) where an unauthorized insurer does not meet the
23 standards set forth in (a) and (b) above, a surplus line
24 producer may, if necessary, procure insurance from that
25 insurer only if prior written warning of such fact or
26 condition is given to the insured by the insurance producer
27 or surplus line producer.

28 Insurance producers shall not procure from an unauthorized
29 insurer an insurance policy:

30 (i) that is designed to satisfy the proof of financial
31 responsibility and insurance requirements in any Illinois
32 law where the law requires that the proof of insurance is
33 issued by an authorized insurer or residual market
34 mechanism;

35 (ii) that covers the risk of accidental injury to
36 employees arising out of and in the course of employment

1 according to the provisions of the Workers' Compensation
2 Act; or

3 (iii) that insures any Illinois personal lines risk, as
4 defined in subsection (a), (b), or (c) of Section 143.13 of
5 this Code, that is eligible for residual market mechanism
6 coverage, unless the insured or prospective insured
7 requests limits of liability greater than the limits
8 provided by the residual market mechanism. In the course of
9 making a diligent effort to procure insurance from
10 authorized insurers, an insurance producer shall not be
11 required to submit a risk to a residual market mechanism
12 when the risk is not eligible for coverage or exceeds the
13 limits available in the residual market mechanism.

14 Where there is an insurance policy issued by an authorized
15 insurer or residual market mechanism insuring a risk described
16 in item (i), (ii), or (iii) above, nothing in this paragraph
17 shall be construed to prohibit a surplus line producer from
18 procuring from an unauthorized insurer a policy insuring the
19 risk on an excess or umbrella basis where the excess or
20 umbrella policy is written over one or more underlying
21 policies.

22 (2) Surplus line producer; license. Any licensed producer
23 who is a resident of this State, or any nonresident who
24 qualifies under Section 500-40, may be licensed as a surplus
25 line producer upon:

26 (a) completing a prelicensing course of study. The
27 course provided for by this Section shall be conducted
28 under rules and regulations prescribed by the Director. The
29 Director may administer the course or may make
30 arrangements, including contracting with an outside
31 educational service, for administering the course and
32 collecting the non-refundable application fee provided for
33 in this subsection. Any charges assessed by the Director or
34 the educational service for administering the course shall
35 be paid directly by the individual applicants. Each
36 applicant required to take the course shall enclose with

1 the application a non-refundable \$10 ~~\$20~~ application fee
2 payable to the Director plus a separate course
3 administration fee. An applicant who fails to appear for
4 the course as scheduled, or appears but fails to complete
5 the course, shall not be entitled to any refund, and shall
6 be required to submit a new request to attend the course
7 together with all the requisite fees before being
8 rescheduled for another course at a later date; and

9 (b) payment of an annual license fee of \$200 ~~\$400~~; and

10 (c) procurement of the surety bond required in
11 subsection (4) of this Section.

12 A surplus line producer so licensed shall keep a separate
13 account of the business transacted thereunder which shall be
14 open at all times to the inspection of the Director or his
15 representative.

16 The prelicensing course of study requirement in (a) above
17 shall not apply to insurance producers who were licensed under
18 the Illinois surplus line law on or before January 1, 2002.

19 (3) Taxes and reports.

20 (a) Surplus line tax and penalty for late payment.

21 A surplus line producer shall file with the Director on
22 or before February 1 and August 1 of each year a report in
23 the form prescribed by the Director on all surplus line
24 insurance procured from unauthorized insurers during the
25 preceding 6 month period ending December 31 or June 30
26 respectively, and on the filing of such report shall pay to
27 the Director for the use and benefit of the State a sum
28 equal to 3% ~~3.5%~~ of the gross premiums less returned
29 premiums upon all surplus line insurance procured or
30 cancelled during the preceding 6 months.

31 Any surplus line producer who fails to pay the full
32 amount due under this subsection is liable, in addition to
33 the amount due, for such penalty and interest charges as
34 are provided for under Section 412 of this Code. The
35 Director, through the Attorney General, may institute an
36 action in the name of the People of the State of Illinois,

1 in any court of competent jurisdiction, for the recovery of
2 the amount of such taxes and penalties due, and prosecute
3 the same to final judgment, and take such steps as are
4 necessary to collect the same.

5 (b) Fire Marshal Tax.

6 Each surplus line producer shall file with the Director
7 on or before March 31 of each year a report in the form
8 prescribed by the Director on all fire insurance procured
9 from unauthorized insurers subject to tax under Section 12
10 of the Fire Investigation Act and shall pay to the Director
11 the fire marshal tax required thereunder.

12 (c) Taxes and fees charged to insured. The taxes
13 imposed under this subsection and the countersigning fees
14 charged by the Surplus Line Association of Illinois may be
15 charged to and collected from surplus line insureds.

16 (4) Bond. Each surplus line producer, as a condition to
17 receiving a surplus line producer's license, shall execute and
18 deliver to the Director a surety bond to the People of the
19 State in the penal sum of \$20,000, with a surety which is
20 authorized to transact business in this State, conditioned that
21 the surplus line producer will pay to the Director the tax,
22 interest and penalties levied under subsection (3) of this
23 Section.

24 (5) Submission of documents to Surplus Line Association of
25 Illinois. A surplus line producer shall submit every insurance
26 contract issued under his or her license to the Surplus Line
27 Association of Illinois for recording and countersignature.
28 The submission and countersignature may be effected through
29 electronic means. The submission shall set forth:

30 (a) the name of the insured;

31 (b) the description and location of the insured
32 property or risk;

33 (c) the amount insured;

34 (d) the gross premiums charged or returned;

35 (e) the name of the unauthorized insurer from whom
36 coverage has been procured;

1 (f) the kind or kinds of insurance procured; and
2 (g) amount of premium subject to tax required by
3 Section 12 of the Fire Investigation Act.

4 Proposals, endorsements, and other documents which are
5 incidental to the insurance but which do not affect the premium
6 charged are exempted from filing and countersignature.

7 The submission of insuring contracts to the Surplus Line
8 Association of Illinois constitutes a certification by the
9 surplus line producer or by the insurance producer who
10 presented the risk to the surplus line producer for placement
11 as a surplus line risk that after diligent effort the required
12 insurance could not be procured from authorized insurers and
13 that such procurement was otherwise in accordance with the
14 surplus line law.

15 (6) Countersignature required. It shall be unlawful for an
16 insurance producer to deliver any unauthorized insurer
17 contract unless such insurance contract is countersigned by the
18 Surplus Line Association of Illinois.

19 (7) Inspection of records. A surplus line producer shall
20 maintain separate records of the business transacted under his
21 or her license, including complete copies of surplus line
22 insurance contracts maintained on paper or by electronic means,
23 which records shall be open at all times for inspection by the
24 Director and by the Surplus Line Association of Illinois.

25 (8) Violations and penalties. The Director may suspend or
26 revoke or refuse to renew a surplus line producer license for
27 any violation of this Code. In addition to or in lieu of
28 suspension or revocation, the Director may subject a surplus
29 line producer to a civil penalty of up to \$1,000 ~~\$2,000~~ for
30 each cause for suspension or revocation. Such penalty is
31 enforceable under subsection (5) of Section 403A of this Code.

32 (9) Director may declare insurer ineligible. If the
33 Director determines that the further assumption of risks might
34 be hazardous to the policyholders of an unauthorized insurer,
35 the Director may order the Surplus Line Association of Illinois
36 not to countersign insurance contracts evidencing insurance in

1 such insurer and order surplus line producers to cease
2 procuring insurance from such insurer.

3 (10) Service of process upon Director. Insurance contracts
4 delivered under this Section from unauthorized insurers, other
5 than domestic surplus line insurers as defined in Section 445a,
6 shall contain a provision designating the Director and his
7 successors in office the true and lawful attorney of the
8 insurer upon whom may be served all lawful process in any
9 action, suit or proceeding arising out of such insurance.
10 Service of process made upon the Director to be valid hereunder
11 must state the name of the insured, the name of the
12 unauthorized insurer and identify the contract of insurance.
13 The Director at his option is authorized to forward a copy of
14 the process to the Surplus Line Association of Illinois for
15 delivery to the unauthorized insurer or the Director may
16 deliver the process to the unauthorized insurer by other means
17 which he considers to be reasonably prompt and certain.

18 (10.5) Insurance contracts delivered under this Section
19 from unauthorized insurers, other than domestic surplus line
20 insurers as defined in Section 445a, shall have stamped or
21 imprinted on the first page thereof in not less than 12-pt.
22 bold face type the following legend: "Notice to Policyholder:
23 This contract is issued, pursuant to Section 445 of the
24 Illinois Insurance Code, by a company not authorized and
25 licensed to transact business in Illinois and as such is not
26 covered by the Illinois Insurance Guaranty Fund." Insurance
27 contracts delivered under this Section from domestic surplus
28 line insurers as defined in Section 445a shall have stamped or
29 imprinted on the first page thereof in not less than 12-pt.
30 bold face type the following legend: "Notice to Policyholder:
31 This contract is issued by a domestic surplus line insurer, as
32 defined in Section 445a of the Illinois Insurance Code,
33 pursuant to Section 445, and as such is not covered by the
34 Illinois Insurance Guaranty Fund."

35 (11) The Illinois Surplus Line law does not apply to
36 insurance of property and operations of railroads or aircraft

1 engaged in interstate or foreign commerce, insurance of
2 vessels, crafts or hulls, cargoes, marine builder's risks,
3 marine protection and indemnity, or other risks including
4 strikes and war risks insured under ocean or wet marine forms
5 of policies.

6 (12) Surplus line insurance procured under this Section,
7 including insurance procured from a domestic surplus line
8 insurer, is not subject to the provisions of the Illinois
9 Insurance Code other than Sections 123, 123.1, 401, 401.1, 402,
10 403, 403A, 408, 412, 445, 445.1, 445.2, 445.3, 445.4, and all
11 of the provisions of Article XXXI to the extent that the
12 provisions of Article XXXI are not inconsistent with the terms
13 of this Act.

14 (Source: P.A. 92-386, eff. 1-1-02; 93-29, eff. 6-20-03; 93-32,
15 eff. 7-1-03; 93-876, eff. 8-6-04.)

16 (215 ILCS 5/500-70)

17 Sec. 500-70. License denial, nonrenewal, or revocation.

18 (a) The Director may place on probation, suspend, revoke,
19 or refuse to issue or renew an insurance producer's license or
20 may levy a civil penalty in accordance with this Section or
21 take any combination of actions, for any one or more of the
22 following causes:

23 (1) providing incorrect, misleading, incomplete, or
24 materially untrue information in the license application;

25 (2) violating any insurance laws, or violating any
26 rule, subpoena, or order of the Director or of another
27 state's insurance commissioner;

28 (3) obtaining or attempting to obtain a license through
29 misrepresentation or fraud;

30 (4) improperly withholding, misappropriating or
31 converting any moneys or properties received in the course
32 of doing insurance business;

33 (5) intentionally misrepresenting the terms of an
34 actual or proposed insurance contract or application for
35 insurance;

- 1 (6) having been convicted of a felony;
 - 2 (7) having admitted or been found to have committed any
3 insurance unfair trade practice or fraud;
 - 4 (8) using fraudulent, coercive, or dishonest
5 practices, or demonstrating incompetence,
6 untrustworthiness or financial irresponsibility in the
7 conduct of business in this State or elsewhere;
 - 8 (9) having an insurance producer license, or its
9 equivalent, denied, suspended, or revoked in any other
10 state, province, district or territory;
 - 11 (10) forging a name to an application for insurance or
12 to a document related to an insurance transaction;
 - 13 (11) improperly using notes or any other reference
14 material to complete an examination for an insurance
15 license;
 - 16 (12) knowingly accepting insurance business from an
17 individual who is not licensed;
 - 18 (13) failing to comply with an administrative or court
19 order imposing a child support obligation;
 - 20 (14) failing to pay state income tax or penalty or
21 interest or comply with any administrative or court order
22 directing payment of state income tax or failed to file a
23 return or to pay any final assessment of any tax due to the
24 Department of Revenue; or
 - 25 (15) failing to make satisfactory repayment to the
26 Illinois Student Assistance Commission for a delinquent or
27 defaulted student loan.
- 28 (b) If the action by the Director is to nonrenew, suspend,
29 or revoke a license or to deny an application for a license,
30 the Director shall notify the applicant or licensee and advise,
31 in writing, the applicant or licensee of the reason for the
32 suspension, revocation, denial or nonrenewal of the
33 applicant's or licensee's license. The applicant or licensee
34 may make written demand upon the Director within 30 days after
35 the date of mailing for a hearing before the Director to
36 determine the reasonableness of the Director's action. The

1 hearing must be held within not fewer than 20 days nor more
2 than 30 days after the mailing of the notice of hearing and
3 shall be held pursuant to 50 Ill. Adm. Code 2402.

4 (c) The license of a business entity may be suspended,
5 revoked, or refused if the Director finds, after hearing, that
6 an individual licensee's violation was known or should have
7 been known by one or more of the partners, officers, or
8 managers acting on behalf of the partnership, corporation,
9 limited liability company, or limited liability partnership
10 and the violation was neither reported to the Director nor
11 corrective action taken.

12 (d) In addition to or instead of any applicable denial,
13 suspension, or revocation of a license, a person may, after
14 hearing, be subject to a civil penalty of up to \$5,000 ~~\$10,000~~
15 for each cause for denial, suspension, or revocation, however,
16 the civil penalty may total no more than \$20,000 ~~\$100,000~~.

17 (e) The Director has the authority to enforce the
18 provisions of and impose any penalty or remedy authorized by
19 this Article against any person who is under investigation for
20 or charged with a violation of this Code or rules even if the
21 person's license or registration has been surrendered or has
22 lapsed by operation of law.

23 (f) Upon the suspension, denial, or revocation of a
24 license, the licensee or other person having possession or
25 custody of the license shall promptly deliver it to the
26 Director in person or by mail. The Director shall publish all
27 suspensions, denials, or revocations after the suspensions,
28 denials, or revocations become final in a manner designed to
29 notify interested insurance companies and other persons.

30 (g) A person whose license is revoked or whose application
31 is denied pursuant to this Section is ineligible to apply for
32 any license for 3 years after the revocation or denial. A
33 person whose license as an insurance producer has been revoked,
34 suspended, or denied may not be employed, contracted, or
35 engaged in any insurance related capacity during the time the
36 revocation, suspension, or denial is in effect.

1 (Source: P.A. 92-386, eff. 1-1-02; 93-32, eff. 7-1-03.)

2 (215 ILCS 5/500-110)

3 Sec. 500-110. Regulatory examinations.

4 (a) The Director may examine any applicant for or holder of
5 an insurance producer license, limited line producer license or
6 temporary insurance producer license or any business entity.

7 (b) All persons being examined, as well as their officers,
8 directors, insurance producers, limited lines producers, and
9 temporary insurance producers must provide to the Director
10 convenient and free access, at all reasonable hours at their
11 offices, to all books, records, documents, and other papers
12 relating to the persons' insurance business affairs. The
13 officers, directors, insurance producers, limited lines
14 producers, temporary insurance producers, and employees must
15 facilitate and aid the Director in the examinations as much as
16 it is in their power to do so.

17 (c) The Director may designate an examiner or examiners to
18 conduct any examination under this Section. The Director or his
19 or her designee may administer oaths and examine under oath any
20 individual relative to the business of the person being
21 examined.

22 (d) The examiners designated by the Director under this
23 Section may make reports to the Director. A report alleging
24 substantive violations of this Article or any rules prescribed
25 by the Director must be in writing and be based upon facts
26 ascertained from the books, records, documents, papers, and
27 other evidence obtained by the examiners or from sworn or
28 affirmed testimony of or written affidavits from the person's
29 officers, directors, insurance producers, limited lines
30 producer, temporary insurance producers, or employees or other
31 individuals, as given to the examiners. The report of an
32 examination must be verified by the examiners.

33 (e) If a report is made, the Director must either deliver a
34 duplicate of the report to the person being examined or send
35 the duplicate by certified or registered mail to the person's

1 address of record. The Director shall afford the person an
2 opportunity to demand a hearing with reference to the facts and
3 other evidence contained in the report. The person may request
4 a hearing within 14 calendar days after he or she receives the
5 duplicate of the examination report by giving the Director
6 written notice of that request, together with a written
7 statement of the person's objections to the report. The
8 Director must, if requested to do so, conduct a hearing in
9 accordance with Sections 402 and 403 of this Code. The Director
10 must issue a written order based upon the examination report
11 and upon the hearing, if a hearing is held, within 90 days
12 after the report is filed, or within 90 days after the hearing
13 if a hearing is held. If the report is refused or otherwise
14 undeliverable, or a hearing is not requested in a timely
15 fashion, the right to a hearing is waived. After the hearing or
16 the expiration of the time period in which a person may request
17 a hearing, if the examination reveals that the person is
18 operating in violation of any law, rule, or prior order, the
19 Director in the written order may require the person to take
20 any action the Director considers necessary or appropriate in
21 accordance with the report or examination hearing. The order is
22 subject to review under the Administrative Review Law.

23 (f) The Director may adopt reasonable rules to further the
24 purposes of this Section.

25 (g) A person who violates or aids and abets any violation
26 of a written order issued under this Section shall be guilty of
27 a business offense and his or her license may be revoked or
28 suspended pursuant to Section 500-70 of this Article and he or
29 she may be subjected to a civil penalty of not more than
30 \$10,000 ~~\$20,000~~.

31 (Source: P.A. 92-386, eff. 1-1-02; 93-32, eff. 7-1-03.)

32 (215 ILCS 5/500-120)

33 Sec. 500-120. Conflicts of interest; inactive status.

34 (a) A person, partnership, association, or corporation
35 licensed by the Department who, due to employment with any unit

1 of government that would cause a conflict of interest with the
2 holding of that license, notifies the Director in writing on
3 forms prescribed by the Department and, subject to rules of the
4 Department, makes payment of applicable licensing renewal
5 fees, may elect to place the license on an inactive status.

6 (b) A licensee whose license is on inactive status may have
7 the license restored by making application to the Department on
8 such form as may be prescribed by the Department. The
9 application must be accompanied with a fee of \$50 ~~\$100~~ plus the
10 current applicable license fee.

11 (c) A license may be placed on inactive status for a 2-year
12 period, and upon request, the inactive status may be extended
13 for a successive 2-year period not to exceed a cumulative
14 4-year inactive period. After a license has been on inactive
15 status for 4 years or more, the licensee must meet all of the
16 standards required of a new applicant before the license may be
17 restored to active status.

18 (d) If requests for inactive status are not renewed as set
19 forth in subsection (c), the license will be taken off the
20 inactive status and the license will lapse immediately.

21 (Source: P.A. 92-386, eff. 1-1-02; 93-32, eff. 7-1-03.)

22 (215 ILCS 5/500-135)

23 Sec. 500-135. Fees.

24 (a) The fees required by this Article are as follows:

25 (1) a fee of \$150 ~~\$180~~ ~~for a person who is a resident~~
26 ~~of Illinois, and \$250 for a person who is not a resident of~~
27 ~~Illinois~~, payable once every 2 years for an insurance
28 producer license;

29 (2) a fee of \$25 ~~\$50~~ for the issuance of a temporary
30 insurance producer license;

31 (3) a fee of \$50 ~~\$150~~ payable once every 2 years for a
32 business entity;

33 (4) an annual \$25 ~~\$50~~ fee for a limited line producer
34 license issued under items (1) through (7) of subsection
35 (a) of Section 500-100;

1 (5) a \$25 ~~\$50~~ application fee for the processing of a
2 request to take the written examination for an insurance
3 producer license;

4 (6) an annual registration fee of \$500 ~~\$1,000~~ for
5 registration of an education provider;

6 (7) a certification fee of \$25 ~~\$50~~ for each certified
7 pre-licensing or continuing education course and an annual
8 fee of \$20 for renewing the certification of each such
9 course;

10 (8) a fee of \$50 ~~\$180~~ ~~for a person who is a resident of~~
11 ~~Illinois, and \$250 for a person who is not a resident of~~
12 ~~Illinois~~, payable once every 2 years for a car rental
13 limited line license;

14 (9) a fee of \$150 ~~\$200~~ payable once every 2 years for a
15 limited lines license other than the licenses issued under
16 items (1) through (7) of subsection (a) of Section 500-100,
17 a car rental limited line license, or a self-service
18 storage facility limited line license;

19 (10) a fee of \$50 payable once every 2 years for a
20 self-service storage facility limited line license.

21 (b) Except as otherwise provided, all fees paid to and
22 collected by the Director under this Section shall be paid
23 promptly after receipt thereof, together with a detailed
24 statement of such fees, into a special fund in the State
25 Treasury to be known as the Insurance Producer Administration
26 Fund. The moneys deposited into the Insurance Producer
27 Administration Fund may be used only for payment of the
28 expenses of the Department in the execution, administration,
29 and enforcement of the insurance laws of this State, and shall
30 be appropriated as otherwise provided by law for the payment of
31 those expenses with first priority being any expenses incident
32 to or associated with the administration and enforcement of
33 this Article.

34 (Source: P.A. 92-386, eff. 1-1-02; 93-32, eff. 7-1-03; 93-288,
35 eff. 1-1-04; revised 9-12-03.)

1 (215 ILCS 5/511.103) (from Ch. 73, par. 1065.58-103)

2 Sec. 511.103. Application. The applicant for a license
3 shall file with the Director an application upon a form
4 prescribed by the Director, which shall include or have
5 attached the following:

6 (1) The names, addresses and official positions of the
7 individuals who are responsible for the conduct of the affairs
8 of the administrator, including but not limited to all members
9 of the board of directors, board of trustees, executive
10 committee, or other governing board or committee, the principal
11 officers in the case of a corporation or the partners in the
12 case of a partnership; and

13 (2) A non-refundable filing fee of \$100 ~~\$200~~ which shall
14 become the initial administrator license fee should the
15 Director issue an administrator license.

16 (Source: P.A. 93-32, eff. 7-1-03.)

17 (215 ILCS 5/511.105) (from Ch. 73, par. 1065.58-105)

18 Sec. 511.105. License.

19 (a) The Director shall cause a license to be issued to each
20 applicant that has demonstrated to the Director's satisfaction
21 compliance with the requirements of this Article.

22 (b) Each administrator license shall remain in effect as
23 long as the holder of the license maintains in force and effect
24 the bond required by Section 511.104 and pays the annual fee of
25 \$100 ~~\$200~~ prior to the anniversary date of the license, unless
26 the license is revoked or suspended pursuant to Section
27 511.107.

28 (c) Each license shall contain the name, business address
29 and identification number of the licensee, the date the license
30 was issued and any other information the Director considers
31 proper.

32 (Source: P.A. 93-32, eff. 7-1-03.)

33 (215 ILCS 5/511.110) (from Ch. 73, par. 1065.58-110)

34 Sec. 511.110. Administrative Fine.

1 (a) If the Director finds that one or more grounds exist
2 for the revocation or suspension of a license issued under this
3 Article, the Director may, in lieu of or in addition to such
4 suspension or revocation, impose a fine upon the administrator.

5 (b) With respect to any knowing and wilful violation of a
6 lawful order of the Director, any applicable portion of the
7 Illinois Insurance Code or Part of Title 50 of the Illinois
8 Administrative Code, or a provision of this Article, the
9 Director may impose a fine upon the administrator in an amount
10 not to exceed \$5,000 ~~\$10,000~~ for each such violation. In no
11 event shall such fine exceed an aggregate amount of \$25,000
12 ~~\$50,000~~ for all knowing and wilful violations arising out of
13 the same action.

14 (Source: P.A. 93-32, eff. 7-1-03.)

15 (215 ILCS 5/512.63) (from Ch. 73, par. 1065.59-63)

16 Sec. 512.63. Fees.

17 (a) The fees required by this Article are as follows:

18 (1) Public Insurance Adjuster license annual fee, \$30
19 ~~\$100~~;

20 (2) Registration of Firms, \$20 ~~\$100~~;

21 (3) Application Fee for processing each request to take
22 the written examination for a Public Adjuster license, \$10
23 ~~\$20~~.

24 (Source: P.A. 93-32, eff. 7-1-03.)

25 (215 ILCS 5/513a3) (from Ch. 73, par. 1065.60a3)

26 Sec. 513a3. License required.

27 (a) No person may act as a premium finance company or hold
28 himself out to be engaged in the business of financing
29 insurance premiums, either directly or indirectly, without
30 first having obtained a license as a premium finance company
31 from the Director.

32 (b) An insurance producer shall be deemed to be engaged in
33 the business of financing insurance premiums if 10% or more of
34 the producer's total premium accounts receivable are more than

1 90 days past due.

2 (c) In addition to any other penalty set forth in this
3 Article, any person violating subsection (a) of this Section
4 may, after hearing as set forth in Article XXIV of this Code,
5 be required to pay a civil penalty of not more than \$1,000
6 ~~\$2,000~~ for each offense.

7 (d) In addition to any other penalty set forth in this
8 Article, any person violating subsection (a) of this Section is
9 guilty of a Class A misdemeanor. Any individual violating
10 subsection (a) of this Section, and misappropriating or
11 converting any monies collected in conjunction with the
12 violation, is guilty of a Class 4 felony.

13 (Source: P.A. 93-32, eff. 7-1-03.)

14 (215 ILCS 5/513a4) (from Ch. 73, par. 1065.60a4)

15 Sec. 513a4. Application and license.

16 (a) Each application for a premium finance license shall be
17 made on a form specified by the Director and shall be signed by
18 the applicant declaring under penalty of refusal, suspension,
19 or revocation of the license that the statements made in the
20 application are true, correct, and complete to the best of the
21 applicant's knowledge and belief. The Director shall cause to
22 be issued a license to each applicant that has demonstrated to
23 the Director that the applicant:

24 (1) is competent and trustworthy and of a good business
25 reputation;

26 (2) has a minimum net worth of \$50,000; and

27 (3) has paid the fees required by this Article.

28 (b) Each applicant at the time of request for a license or
29 renewal of a license shall:

30 (1) certify that no charge for financing premiums shall
31 exceed the rates permitted by this Article;

32 (2) certify that the premium finance agreement or other
33 forms being used are in compliance with the requirements of
34 this Article;

35 (3) certify that he or she has a minimum net worth of

1 \$50,000; and

2 (4) attach with the application a non-refundable
3 annual fee of \$200 ~~\$400~~.

4 (c) An applicant who has met the requirements of subsection
5 (a) and subsection (b) shall be issued a premium finance
6 license.

7 (d) Each premium finance license shall remain in effect as
8 long as the holder of the license annually continues to meet
9 the requirements of subsections (a) and (b) by the due date
10 unless the license is revoked or suspended by the Director.

11 (e) The individual holder of a premium finance license
12 shall inform the Director in writing of a change in residence
13 address within 30 days of the change, and a corporation,
14 partnership, or association holder of a premium finance license
15 shall inform the Director in writing of a change in business
16 address within 30 days of the change.

17 (f) Every partnership or corporation holding a license as a
18 premium finance company shall appoint one or more partners or
19 officers to be responsible for the firm's compliance with the
20 Illinois Insurance Code and applicable rules and regulations.
21 Any change in the appointed person or persons shall be reported
22 to the Director in writing within 30 days of the change.

23 (Source: P.A. 93-32, eff. 7-1-03.)

24 (215 ILCS 5/513a7) (from Ch. 73, par. 1065.60a7)

25 Sec. 513a7. License suspension; revocation or denial.

26 (a) Any license issued under this Article may be suspended,
27 revoked, or denied if the Director finds that the licensee or
28 applicant:

29 (1) has wilfully violated any provisions of this Code
30 or the rules and regulations thereunder;

31 (2) has intentionally made a material misstatement in
32 the application for a license;

33 (3) has obtained or attempted to obtain a license
34 through misrepresentation or fraud;

35 (4) has misappropriated or converted to his own use or

1 improperly withheld monies;

2 (5) has used fraudulent, coercive, or dishonest
3 practices or has demonstrated incompetence,
4 untrustworthiness, or financial irresponsibility;

5 (6) has been, within the past 3 years, convicted of a
6 felony, unless the individual demonstrates to the Director
7 sufficient rehabilitation to warrant public trust;

8 (7) has failed to appear without reasonable cause or
9 excuse in response to a subpoena issued by the Director;

10 (8) has had a license suspended, revoked, or denied in
11 any other state on grounds similar to those stated in this
12 Section; or

13 (9) has failed to report a felony conviction as
14 required by Section 513a6.

15 (b) Suspension, revocation, or denial of a license under
16 this Section shall be by written order sent to the licensee or
17 applicant by certified or registered mail at the address
18 specified in the records of the Department. The licensee or
19 applicant may in writing request a hearing within 30 days from
20 the date of mailing. If no written request is made the order
21 shall be final upon the expiration of that 30 day period.

22 (c) If the licensee or applicant requests a hearing under
23 this Section, the Director shall issue a written notice of
24 hearing sent to the licensee or applicant by certified or
25 registered mail at his address, as specified in the records of
26 the Department, and stating:

27 (1) the grounds, charges, or conduct that justifies
28 suspension, revocation, or denial under this Section;

29 (2) the specific time for the hearing, which may not be
30 fewer than 20 nor more than 30 days after the mailing of
31 the notice of hearing; and

32 (3) a specific place for the hearing, which may be
33 either in the City of Springfield or in the county where
34 the licensee's principal place of business is located.

35 (d) Upon the suspension or revocation of a license, the
36 licensee or other person having possession or custody of the

1 license shall promptly deliver it to the Director in person or
2 by mail. The Director shall publish all suspensions and
3 revocations after they become final in a manner designed to
4 notify interested insurance companies and other persons.

5 (e) Any person whose license is revoked or denied under
6 this Section shall be ineligible to apply for any license for 2
7 years. A suspension under this Section may be for a period of
8 up to 2 years.

9 (f) In addition to or instead of a denial, suspension, or
10 revocation of a license under this Section, the licensee may be
11 subjected to a civil penalty of up to \$1,000 ~~\$2,000~~ for each
12 cause for denial, suspension, or revocation. The penalty is
13 enforceable under subsection (5) of Section 403A of this Code.
14 (Source: P.A. 93-32, eff. 7-1-03.)

15 (215 ILCS 5/529.5) (from Ch. 73, par. 1065.76-5)

16 Sec. 529.5. The Industry Placement Facility shall compile
17 an annual operating report, and publish such report in at least
18 2 newspapers having widespread circulation in the State, which
19 report shall include:

20 (1) a description of the origin and purpose of the Illinois
21 Fair Plan and its relationship to the property and casualty
22 insurance industry in Illinois;

23 (2) a financial statement specifying the amount of profit
24 or loss incurred by the Facility for its financial year; and

25 (3) a disclosure as to the amount of subsidization per type
26 of policy written by the Facility, which is provided by the
27 property and casualty insurance companies operating in
28 Illinois, if any.

29 This annual report shall be a matter of public record to be
30 made available to any person requesting a copy from the
31 Facility at a fee not to exceed \$5 ~~\$10~~ per copy. A copy shall be
32 available for inspection at the Department of Insurance.

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

34 (215 ILCS 5/1020) (from Ch. 73, par. 1065.720)

1 Sec. 1020. Penalties.

2 (A) In any case where a hearing pursuant to Section 1016
3 results in the finding of a knowing violation of this Article,
4 the Director may, in addition to the issuance of a cease and
5 desist order as prescribed in Section 1018, order payment of a
6 monetary penalty of not more than \$500 ~~\$1,000~~ for each
7 violation but not to exceed \$10,000 ~~\$20,000~~ in the aggregate
8 for multiple violations.

9 (B) Any person who violates a cease and desist order of the
10 Director under Section 1018 of this Article may, after notice
11 and hearing and upon order of the Director, be subject to one
12 or more of the following penalties, at the discretion of the
13 Director:

14 (1) a monetary fine of not more than \$10,000 ~~\$20,000~~
15 for each violation,

16 (2) a monetary fine of not more than \$50,000 ~~\$100,000~~
17 if the Director finds that violations have occurred with
18 such frequency as to constitute a general business
19 practice, or

20 (3) suspension or revocation of an insurance
21 institution's or agent's license.

22 (Source: P.A. 93-32, eff. 7-1-03.)

23 (215 ILCS 5/1108) (from Ch. 73, par. 1065.808)

24 Sec. 1108. Trust; filing requirements; records.

25 (1) Any risk retention trust created under this Article
26 shall file with the Director:

27 (a) A statement of intent to provide named coverages.

28 (b) The trust agreement between the trust sponsor and
29 the trustees, detailing the organization and
30 administration of the trust and fiduciary
31 responsibilities.

32 (c) Signed risk pooling agreements from each trust
33 member describing their intent to participate in the trust
34 and maintain the contingency reserve fund.

35 (d) By April 1 of each year a financial statement for

1 the preceding calendar year ending December 31, and a list
2 of all beneficiaries during the year. The financial
3 statement and report shall be in such form as the Director
4 of Insurance may prescribe. The truth and accuracy of the
5 financial statement shall be attested to by each trustee.
6 Each Risk Retention Trust shall file with the Director by
7 June 1 an opinion of an independent certified public
8 accountant on the financial condition of the Risk Retention
9 Trust for the most recent calendar year and the results of
10 its operations, changes in financial position and changes
11 in capital and surplus for the year then ended in
12 conformity with accounting practices permitted or
13 prescribed by the Illinois Department of Insurance.

14 (e) The name of a bank or trust company with whom the
15 trust will enter into an escrow agreement which shall state
16 that the contingency reserve fund will be maintained at the
17 levels prescribed in this Article.

18 (f) Copies of coverage grants it will issue.

19 (2) The Director of Insurance shall charge, collect and
20 give proper acquittances for the payment of the following fees
21 and charges:

22 (a) For filing trust instruments, amendments thereto
23 and financial statement and report of the trustees, \$25
24 ~~\$50~~.

25 (b) For copies of papers or records per page, \$1 ~~\$2~~.

26 (c) For certificate to copy of paper, \$5 ~~\$10~~.

27 (d) For filing an application for the licensing of a
28 risk retention trust, \$500 ~~\$1,000~~.

29 (3) The trust shall keep its books and records in
30 accordance with the provisions of Section 133 of this Code. The
31 Director may examine such books and records from time to time
32 as provided in Sections 132 through 132.7 of this Code and may
33 charge the expense of such examination to the trust as provided
34 in subsection (3) of Section 408 of this Code.

35 (4) Trust funds established under this Section and all
36 persons interest therein or dealing therewith shall be subject

1 to the provisions of Sections 133, 144.1, 149, 401, 401.1, 402,
2 403, 403A, 412, and all of the provisions of Articles VII,
3 VIII, XII 1/2 and XIII of the Code, as amended. Except as
4 otherwise provided in this Section, trust funds established
5 under and which fully comply with this Section, shall not be
6 subjected to any other provision of the Code.

7 (5) The Director of Insurance may make reasonable rules and
8 regulations pertaining to the standards of coverage and
9 administration of the trust authorized by this Section. Such
10 rules may include but need not be limited to reasonable
11 standards for fiduciary duties of the trustees, standards for
12 the investment of funds, limitation of risks assumed, minimum
13 size, capital, surplus, reserves, and contingency reserves.

14 (Source: P.A. 93-32, eff. 7-1-03.)

15 (215 ILCS 5/1204) (from Ch. 73, par. 1065.904)

16 Sec. 1204. (A) The Secretary shall promulgate rules and
17 regulations which shall require each insurer licensed to write
18 property or casualty insurance in the State and each syndicate
19 doing business on the Illinois Insurance Exchange to record and
20 report its loss and expense experience and other data as may be
21 necessary to assess the relationship of insurance premiums and
22 related income as compared to insurance costs and expenses. The
23 Secretary may designate one or more rate service organizations
24 or advisory organizations to gather and compile such experience
25 and data. The Secretary shall require each insurer licensed to
26 write property or casualty insurance in this State and each
27 syndicate doing business on the Illinois Insurance Exchange to
28 submit a report, on a form furnished by the Secretary, showing
29 its direct writings in this State and companywide.

30 (B) Such report required by subsection (A) of this Section
31 may include, but not be limited to, the following specific
32 types of insurance written by such insurer:

33 (1) Political subdivision liability insurance reported
34 separately in the following categories:

35 (a) municipalities;

- 1 (b) school districts;
- 2 (c) other political subdivisions;
- 3 (2) Public official liability insurance;
- 4 (3) Dram shop liability insurance;
- 5 (4) Day care center liability insurance;
- 6 (5) Labor, fraternal or religious organizations
- 7 liability insurance;
- 8 (6) Errors and omissions liability insurance;
- 9 (7) Officers and directors liability insurance
- 10 reported separately as follows:
- 11 (a) non-profit entities;
- 12 (b) for-profit entities;
- 13 (8) Products liability insurance;
- 14 (9) Medical malpractice insurance;
- 15 (10) Attorney malpractice insurance;
- 16 (11) Architects and engineers malpractice insurance;
- 17 and
- 18 (12) Motor vehicle insurance reported separately for
- 19 commercial and private passenger vehicles as follows:
- 20 (a) motor vehicle physical damage insurance;
- 21 (b) motor vehicle liability insurance.
- 22 (C) Such report may include, but need not be limited to the
- 23 following data, both specific to this State and companywide, in
- 24 the aggregate or by type of insurance for the previous year on
- 25 a calendar year basis:
- 26 (1) Direct premiums written;
- 27 (2) Direct premiums earned;
- 28 (3) Number of policies;
- 29 (4) Net investment income, using appropriate estimates
- 30 where necessary;
- 31 (5) Losses paid;
- 32 (6) Losses incurred;
- 33 (7) Loss reserves:
- 34 (a) Losses unpaid on reported claims;
- 35 (b) Losses unpaid on incurred but not reported
- 36 claims;

- 1 (8) Number of claims:
- 2 (a) Paid claims;
- 3 (b) Arising claims;
- 4 (9) Loss adjustment expenses:
- 5 (a) Allocated loss adjustment expenses;
- 6 (b) Unallocated loss adjustment expenses;
- 7 (10) Net underwriting gain or loss;
- 8 (11) Net operation gain or loss, including net
- 9 investment income;
- 10 (12) Any other information requested by the Secretary.

11 (C-3) ~~(C-5)~~ Additional information by an advisory

12 organization as defined in Section 463 of this Code.

13 (1) An advisory organization as defined in Section 463

14 of this Code shall report annually the following

15 information in such format as may be prescribed by the

16 Secretary:

17 (a) paid and incurred losses for each of the past

18 10 years;

19 (b) medical payments and medical charges, if

20 collected, for each of the past 10 years;

21 (c) the following indemnity payment information:

22 cumulative payments by accident year by calendar year

23 of development. This array will show payments made and

24 frequency of claims in the following categories:

25 medical only, permanent partial disability (PPD),

26 permanent total disability (PTD), temporary total

27 disability (TTD), and fatalities;

28 (d) injuries by frequency and severity;

29 (e) by class of employee.

30 (2) The report filed with the Secretary of Financial

31 and Professional Regulation under paragraph (1) of this

32 subsection (C-3) ~~(C-5)~~ shall be made available, on an

33 aggregate basis, to the General Assembly and to the general

34 public. The identity of the petitioner, the respondent, the

35 attorneys, and the insurers shall not be disclosed.

36 (3) Reports required under this subsection (C-3) ~~(C-5)~~

1 shall be filed with the Secretary no later than September 1
2 in 2006 and no later than September 1 of each year
3 thereafter.

4 (C-5) Additional information required from medical
5 malpractice insurers.

6 (1) In addition to the other requirements of this
7 Section, the following information shall be included in the
8 report required by subsection (A) of this Section in such
9 form and under such terms and conditions as may be
10 prescribed by the Secretary:

11 (a) paid and incurred losses by county for each of
12 the past 10 policy years;

13 (b) earned exposures by ISO code, policy type, and
14 policy year by county for each of the past 10 years;
15 and

16 (c) the following actuarial information:

17 (i) Base class and territory equivalent
18 exposures by report year by relative accident
19 year.

20 (ii) Cumulative loss array by accident year by
21 calendar year of development. This array will show
22 frequency of claims in the following categories:
23 open, closed with indemnity (CWI), closed with
24 expense (CWE), and closed no pay (CNP); paid
25 severity in the following categories: indemnity
26 and allocated loss adjustment expenses (ALAE) on
27 closed claims; and indemnity and expense reserves
28 on pending claims.

29 (iii) Cumulative loss array by report year by
30 calendar year of development. This array will show
31 frequency of claims in the following categories:
32 open, closed with indemnity (CWI), closed with
33 expense (CWE), and closed no pay (CNP); paid
34 severity in the following categories: indemnity
35 and allocated loss adjustment expenses (ALAE) on
36 closed claims; and indemnity and expense reserves

1 on pending claims.

2 (iv) Maturity year and tail factors.

3 (v) Any expense, contingency ddr (death,
4 disability, and retirement), commission, tax,
5 and/or off-balance factors.

6 (2) The following information must also be annually
7 provided to the Department:

8 (a) copies of the company's reserve and surplus
9 studies; and

10 (b) consulting actuarial report and data
11 supporting the company's rate filing.

12 (3) All information collected by the Secretary under
13 paragraphs (1) and (2) shall be made available, on a
14 company-by-company basis, to the General Assembly and the
15 general public. This provision shall supersede any other
16 provision of State law that may otherwise protect such
17 information from public disclosure as confidential.

18 (D) In addition to the information which may be requested
19 under subsection (C), the Secretary may also request on a
20 companywide, aggregate basis, Federal Income Tax recoverable,
21 net realized capital gain or loss, net unrealized capital gain
22 or loss, and all other expenses not requested in subsection (C)
23 above.

24 (E) Violations - Suspensions - Revocations.

25 (1) Any company or person subject to this Article, who
26 willfully or repeatedly fails to observe or who otherwise
27 violates any of the provisions of this Article or any rule
28 or regulation promulgated by the Secretary under authority
29 of this Article or any final order of the Secretary entered
30 under the authority of this Article shall by civil penalty
31 forfeit to the State of Illinois a sum not to exceed \$1,000
32 ~~\$2,000~~. Each day during which a violation occurs
33 constitutes a separate offense.

34 (2) No forfeiture liability under paragraph (1) of this
35 subsection may attach unless a written notice of apparent
36 liability has been issued by the Secretary and received by

1 the respondent, or the Secretary sends written notice of
2 apparent liability by registered or certified mail, return
3 receipt requested, to the last known address of the
4 respondent. Any respondent so notified must be granted an
5 opportunity to request a hearing within 10 days from
6 receipt of notice, or to show in writing, why he should not
7 be held liable. A notice issued under this Section must set
8 forth the date, facts and nature of the act or omission
9 with which the respondent is charged and must specifically
10 identify the particular provision of this Article, rule,
11 regulation or order of which a violation is charged.

12 (3) No forfeiture liability under paragraph (1) of this
13 subsection may attach for any violation occurring more than
14 2 years prior to the date of issuance of the notice of
15 apparent liability and in no event may the total civil
16 penalty forfeiture imposed for the acts or omissions set
17 forth in any one notice of apparent liability exceed
18 \$50,000 ~~\$100,000~~.

19 (4) All administrative hearings conducted pursuant to
20 this Article are subject to 50 Ill. Adm. Code 2402 and all
21 administrative hearings are subject to the Administrative
22 Review Law.

23 (5) The civil penalty forfeitures provided for in this
24 Section are payable to the General Revenue Fund of the
25 State of Illinois, and may be recovered in a civil suit in
26 the name of the State of Illinois brought in the Circuit
27 Court in Sangamon County or in the Circuit Court of the
28 county where the respondent is domiciled or has its
29 principal operating office.

30 (6) In any case where the Secretary issues a notice of
31 apparent liability looking toward the imposition of a civil
32 penalty forfeiture under this Section that fact may not be
33 used in any other proceeding before the Secretary to the
34 prejudice of the respondent to whom the notice was issued,
35 unless (a) the civil penalty forfeiture has been paid, or
36 (b) a court has ordered payment of the civil penalty

1 forfeiture and that order has become final.

2 (7) When any person or company has a license or
3 certificate of authority under this Code and knowingly
4 fails or refuses to comply with a lawful order of the
5 Secretary requiring compliance with this Article, entered
6 after notice and hearing, within the period of time
7 specified in the order, the Secretary may, in addition to
8 any other penalty or authority provided, revoke or refuse
9 to renew the license or certificate of authority of such
10 person or company, or may suspend the license or
11 certificate of authority of such person or company until
12 compliance with such order has been obtained.

13 (8) When any person or company has a license or
14 certificate of authority under this Code and knowingly
15 fails or refuses to comply with any provisions of this
16 Article, the Secretary may, after notice and hearing, in
17 addition to any other penalty provided, revoke or refuse to
18 renew the license or certificate of authority of such
19 person or company, or may suspend the license or
20 certificate of authority of such person or company, until
21 compliance with such provision of this Article has been
22 obtained.

23 (9) No suspension or revocation under this Section may
24 become effective until 5 days from the date that the notice
25 of suspension or revocation has been personally delivered
26 or delivered by registered or certified mail to the company
27 or person. A suspension or revocation under this Section is
28 stayed upon the filing, by the company or person, of a
29 petition for judicial review under the Administrative
30 Review Law.

31 (Source: P.A. 93-32, eff. 7-1-03; 94-277, eff. 7-20-05; 94-677,
32 eff. 8-25-05; revised 8-29-05.)

33 Section 85. The Reinsurance Intermediary Act is amended by
34 changing Section 55 as follows:

1 (215 ILCS 100/55) (from Ch. 73, par. 1655)

2 Sec. 55. Penalties and liabilities.

3 (a) If the Director determines that a reinsurance
4 intermediary has not materially complied with this Act or any
5 regulation or Order promulgated hereunder, after notice and
6 opportunity to be heard, the Director may order a penalty in an
7 amount not exceeding \$50,000 ~~\$100,000~~ for each separate
8 violation and may order the revocation or suspension of the
9 reinsurance intermediary's license. If it is found that because
10 of the material noncompliance the insurer or reinsurer has
11 suffered any loss or damage, the Director may maintain a civil
12 action brought by or on behalf of the reinsurer or insurer and
13 its policyholders and creditors for recovery of compensatory
14 damages for the benefit of the reinsurer or insurer and its
15 policyholders and creditors or seek other appropriate relief.

16 This subsection (a) shall not be construed to prevent any other
17 person from taking civil action against a reinsurance
18 intermediary.

19 (b) If an Order of Rehabilitation or Liquidation of the
20 insurer is entered under Article XIII of the Illinois Insurance
21 Code and the receiver appointed under that Order determines
22 that the reinsurance intermediary or any other person has not
23 materially complied with this Act or any regulation or Order
24 promulgated hereunder and the insurer has suffered any loss or
25 damage therefrom, the receiver may maintain a civil action for
26 recovery of damages or other appropriate sanctions for the
27 benefit of the insurer.

28 (c) The decision, determination, or order of the Director
29 under subsection (a) of this Section shall be subject to
30 judicial review under the Administrative Review Law.

31 (d) Nothing contained in this Act shall affect the right of
32 the Director to impose any other penalties provided in the
33 Illinois Insurance Code.

34 (e) Nothing contained in this Act is intended to or shall
35 in any manner limit or restrict the rights of policyholders,
36 claimants, creditors, or other third parties or confer any

1 rights to those persons.

2 (Source: P.A. 93-32, eff. 7-1-03.)

3 Section 90. The Employee Leasing Company Act is amended by
4 changing Section 20 as follows:

5 (215 ILCS 113/20)

6 Sec. 20. Registration.

7 (a) A lessor shall register with the Department prior to
8 becoming a qualified self-insured for workers' compensation or
9 becoming eligible to be issued a workers' compensation and
10 employers' liability insurance policy. The registration shall:

11 (1) identify the name of the lessor;

12 (2) identify the address of the principal place of
13 business of the lessor;

14 (3) include the lessor's taxpayer or employer
15 identification number;

16 (4) include a list by jurisdiction of each and every
17 name that the lessor has operated under in the preceding 5
18 years including any alternative names and names of
19 predecessors;

20 (5) include a list of the officers and directors of the
21 lessor and its predecessors, successors, or alter egos in
22 the preceding 5 years; and

23 (6) include a \$500 ~~\$1,000~~ fee for the registration and
24 each annual renewal thereafter.

25 Amounts received as registration fees shall be deposited
26 into the Insurance Producer Administration Fund.

27 (b) (Blank).

28 (c) Lessors registering pursuant to this Section shall
29 notify the Department within 30 days as to any changes in any
30 information provided pursuant to this Section.

31 (d) The Department shall maintain a list of those lessors
32 who are registered with the Department.

33 (e) The Department may prescribe any forms that are
34 necessary to promote the efficient administration of this

1 Section.

2 (f) Any lessor that was doing business in this State prior
3 to enactment of this Act shall register with the Department
4 within 60 days of the effective date of this Act.

5 (Source: P.A. 93-32, eff. 7-1-03.)

6 Section 95. The Health Care Purchasing Group Act is amended
7 by changing Section 20 as follows:

8 (215 ILCS 123/20)

9 Sec. 20. HPG sponsors. Except as provided by Sections 15
10 and 25 of this Act, only a corporation authorized by the
11 Secretary of State to transact business in Illinois may sponsor
12 one or more HPGs with no more than 100,000 covered individuals
13 by negotiating, soliciting, or servicing health insurance
14 contracts for HPGs and their members. Such a corporation may
15 assert and maintain authority to act as an HPG sponsor by
16 complying with all of the following requirements:

17 (1) The principal officers and directors responsible
18 for the conduct of the HPG sponsor must perform their HPG
19 sponsor related functions in Illinois.

20 (2) No insurance risk may be borne or retained by the
21 HPG sponsor; all health insurance contracts issued to HPGs
22 through the HPG sponsor must be delivered in Illinois.

23 (3) No HPG sponsor may collect premium in its name or
24 hold or manage premium or claim fund accounts unless duly
25 qualified and licensed as a managing general agent pursuant
26 to Section 141a of the Illinois Insurance Code or as a
27 third party administrator pursuant to Section 511.105 of
28 the Illinois Insurance Code.

29 (4) If the HPG gives an offer, application, notice, or
30 proposal of insurance to an employer, it must disclose the
31 total cost of the insurance. Dues, fees, or charges to be
32 paid to the HPG, HPG sponsor, or any other entity as a
33 condition to purchasing the insurance must be itemized. The
34 HPG shall also disclose to its members the amount of any

1 dividends, experience refunds, or other such payments it
2 receives from the risk-bearer.

3 (5) An HPG sponsor must register with the Director
4 before negotiating or soliciting any group or master health
5 insurance contract for any HPG and must renew the
6 registration annually on forms and at times prescribed by
7 the Director in rules specifying, at minimum, (i) the
8 identity of the officers and directors of the HPG sponsor
9 corporation; (ii) a certification that those persons have
10 not been convicted of any felony offense involving a breach
11 of fiduciary duty or improper manipulation of accounts;
12 (iii) the number of employer members then enrolled in each
13 HPG sponsored; (iv) the date on which each HPG was issued a
14 group or master health insurance contract, if any; and (v)
15 the date on which each such contract, if any, was
16 terminated.

17 (6) At the time of initial registration and each
18 renewal thereof an HPG sponsor shall pay a fee of \$100 ~~\$200~~
19 to the Director.

20 (Source: P.A. 93-32, eff. 7-1-03.)

21 Section 100. The Service Contract Act is amended by
22 changing Section 25 as follows:

23 (215 ILCS 152/25)

24 Sec. 25. Registration requirements for service contract
25 providers.

26 (a) No service contract shall be issued or sold in this
27 State until the following information has been submitted to the
28 Department:

29 (1) the name of the service contract provider;

30 (2) a list identifying the service contract provider's
31 executive officer or officers directly responsible for the
32 service contract provider's service contract business;

33 (3) the name and address of the service contract
34 provider's agent for service of process in this State, if

1 other than the service contract provider;

2 (4) a true and accurate copy of all service contracts
3 to be sold in this State; and

4 (5) a statement indicating under which provision of
5 Section 15 the service contract provider qualifies to do
6 business in this State as a service contract provider.

7 (b) The service contract provider shall pay an initial
8 registration fee of \$500 ~~\$1,000~~ and a renewal fee of \$75 ~~\$150~~
9 each year thereafter. All fees and penalties collected under
10 this Act shall be paid to the Director and deposited in the
11 Insurance Financial Regulation Fund.

12 (Source: P.A. 93-32, eff. 7-1-03.)

13 Section 105. The Title Insurance Act is amended by changing
14 Section 14 as follows:

15 (215 ILCS 155/14) (from Ch. 73, par. 1414)

16 Sec. 14. (a) Every title insurance company and every
17 independent escrowee subject to this Act shall pay the
18 following fees:

19 (1) for filing the original application for a
20 certificate of authority and receiving the deposit
21 required under this Act, \$500;

22 (2) for the certificate of authority, \$10;

23 (3) for every copy of a paper filed in the Department
24 under this Act, \$1 per folio;

25 (4) for affixing the seal of the Department and
26 certifying a copy, \$2;

27 (5) for filing the annual statement, \$50.

28 (b) Each title insurance company shall pay, for all of its
29 title insurance agents subject to this Act for filing an annual
30 registration of its agents, an amount equal to \$1 ~~\$3~~ for each
31 policy issued by all of its agents in the immediately preceding
32 calendar year, provided such sum shall not exceed \$20,000 per
33 annum.

34 (Source: P.A. 93-32, eff. 7-1-03.)

1 Section 110. The Viatical Settlements Act is amended by
2 changing Section 10 as follows:

3 (215 ILCS 158/10)

4 Sec. 10. License requirements.

5 (a) No individual, partnership, corporation, or other
6 entity may act as a viatical settlement provider without first
7 having obtained a license from the Director.

8 (b) Application for a viatical settlement provider license
9 shall be made to the Director by the applicant on a form
10 prescribed by the Director. The application shall be
11 accompanied by a fee of \$1,500 ~~\$3,000~~, which shall be deposited
12 into the Insurance Producer Administration Fund.

13 (c) Viatical settlement providers' licenses may be renewed
14 from year to year on the anniversary date upon (1) submission
15 of renewal forms prescribed by the Director and (2) payment of
16 the annual renewal fee of \$750 ~~\$1,500~~, which shall be deposited
17 into the Insurance Producer Administration Fund. Failure to pay
18 the fee within the terms prescribed by the Director shall
19 result in the expiration of the license.

20 (d) Applicants for a viatical settlement provider's
21 license shall provide such information as the Director may
22 require. The Director shall have authority, at any time, to
23 require the applicant to fully disclose the identity of all
24 stockholders, partners, officers, and employees. The Director
25 may, in the exercise of discretion, refuse to issue a license
26 in the name of any firm, partnership, or corporation if not
27 satisfied that an officer, employee, stockholder, or partner
28 thereof who may materially influence the applicant's conduct
29 meets the standards of this Act.

30 (e) A viatical settlement provider's license issued to a
31 partnership, corporation, or other entity authorizes all
32 members, officers, and designated employees to act as viatical
33 settlement providers under the license. All those persons must
34 be named in the application and any supplements thereto.

1 (f) Upon the filing of an application for a viatical
2 settlement provider's license and the payment of the license
3 fee, the Director shall make an investigation of the applicant
4 and may issue a license if the Director finds that the
5 applicant:

6 (1) has provided a detailed plan of operation;

7 (2) is competent and trustworthy and intends to act in
8 good faith in the capacity authorized by the license
9 applied for;

10 (3) has a good business reputation and has had
11 experience, training, or education so as to be qualified in
12 the business for which the license is applied for; and

13 (4) if a corporation, is a corporation incorporated
14 under the laws of this State or a foreign corporation
15 authorized to transact business in this State.

16 (g) The Director may not issue a license to a nonresident
17 applicant, unless a written designation of an agent for service
18 of process is filed and maintained with the Director or the
19 applicant has filed with the Director the applicant's written
20 irrevocable consent that any action against the applicant may
21 be commenced against the applicant by service of process on the
22 Director.

23 (h) A viatical settlement provider must assume
24 responsibility for all actions of its appointed viatical
25 settlement agents associated with a viatical settlement.

26 (Source: P.A. 93-32, eff. 7-1-03.)

27 Section 115. The Public Utilities Act is amended by
28 changing Section 6-108 as follows:

29 (220 ILCS 5/6-108) (from Ch. 111 2/3, par. 6-108)

30 Sec. 6-108. The Commission shall charge every public
31 utility receiving permission under this Act for the issue of
32 stocks, bonds, notes and other evidences of indebtedness an
33 amount equal to 10 ~~12~~ cents for every \$100 of the par or stated
34 value of stocks, and 20 ~~24~~ cents for every \$100 of the

1 principal amount of bonds, notes or other evidences of
2 indebtedness, authorized by the Commission, which shall be paid
3 to the Commission no later than 30 days after service of the
4 Commission order authorizing the issuance of those stocks,
5 bonds, notes or other evidences of indebtedness. Provided, that
6 if any such stock, bonds, notes or other evidences of
7 indebtedness constitutes or creates a lien or charge on, or
8 right to profits from, any property not situated in this State,
9 this fee shall be paid only on the amount of any such issue
10 which is the same proportion of the whole issue as the property
11 situated in this State is of the total property on which such
12 securities issue creates a lien or charge, or from which a
13 right to profits is established; and provided further, that no
14 public utility shall be required to pay any fee for permission
15 granted to it by the Commission in any of the following cases:

16 (1) To guarantee bonds or other securities.

17 (2) To issue bonds, notes or other evidences of
18 indebtedness issued for the purpose of converting, exchanging,
19 taking over, refunding, discharging or retiring any bonds,
20 notes or other evidences of indebtedness except:

21 (a) When issued for an aggregate period of longer than
22 2 years for the purpose of converting, exchanging, taking
23 over, refunding, discharging or retiring any note, or
24 renewals thereof, issued without the consent of the State
25 Public Utilities Commission of Illinois or the Public
26 Utilities Commission or the Illinois Commerce Commission;
27 or

28 (b) When issued for the purpose of converting,
29 exchanging, taking over, refunding, discharging or
30 retiring bonds, notes or other evidences of indebtedness
31 issued prior to January 1, 1914, and upon which no fee has
32 been previously paid.

33 (3) To issue shares of stock upon the conversion of
34 convertible bonds, notes or other evidences of indebtedness or
35 upon the conversion of convertible stock of another class in
36 accordance with a conversion privilege contained in such

1 convertible bonds, notes or other evidences of indebtedness or
2 contained in such convertible stock, as the case may be, where
3 a fee (in the amount payable under this Section in the case of
4 evidences of indebtedness) has been previously paid for the
5 issuance of such convertible bonds, notes or other evidences of
6 indebtedness, or where a fee (in the amount payable under this
7 Section in the case of stocks) has been previously paid for the
8 issuance of such convertible stock, or where such convertible
9 stock was issued prior to July 1, 1951 and upon which no fee
10 has been previously paid, as the case may be.

11 (4) To issue shares of stocks for the purpose of redeeming
12 or otherwise retiring, or in exchange for, other stocks, where
13 the fee for the issuance of such other stocks has been
14 previously paid, or where such other stocks were issued prior
15 to July 1, 1951 and upon which no fee has been previously paid,
16 as the case may be, but only to the extent that the par or
17 stated value of the shares of stock so issued does not exceed
18 the par or stated value of the other stocks redeemed or
19 otherwise retired or exchanged.

20 All fees collected by the Commission under this Section
21 shall be paid within 10 days after the receipt of the same,
22 accompanied by a detailed statement of the same, into the
23 Public Utility Fund in the State treasury.

24 (Source: P.A. 93-32, eff. 7-1-03.)

25 Section 120. The Professional Boxing Act is amended by
26 changing Section 23 as follows:

27 (225 ILCS 105/23) (from Ch. 111, par. 5023)

28 (Section scheduled to be repealed on January 1, 2012)

29 Sec. 23. Fees. The fees for the administration and
30 enforcement of this Act including, but not limited to, original
31 licensure, renewal, and restoration shall be set by rule. The
32 fees shall not be refundable. Beginning July 1, 2003 and until
33 the effective date of this amendatory Act of the 94th General
34 Assembly , all of the fees, taxes, and fines collected under

1 this Act shall be deposited into the General Professions
2 Dedicated Fund.

3 (Source: P.A. 92-16, eff. 6-28-01; 92-499, eff. 1-1-02; 93-32,
4 eff. 7-1-03.)

5 Section 125. The Illinois Certified Shorthand Reporters
6 Act of 1984 is amended by changing Section 17 as follows:

7 (225 ILCS 415/17) (from Ch. 111, par. 6217)

8 (Section scheduled to be repealed on January 1, 2014)

9 Sec. 17. Fees; returned checks; expiration while in
10 military.

11 (a) The fees for the administration and enforcement of this
12 Act, including but not limited to, original certification,
13 renewal and restoration, shall be set by rule.

14 (b) Beginning July 1, 2003 and until the effective date of
15 this amendatory Act of the 94th General Assembly, all of the
16 fees and fines collected under this Act shall be deposited into
17 the General Professions Dedicated Fund.

18 (c) Any person who delivers a check or other payment to the
19 Department that is returned to the Department unpaid by the
20 financial institution upon which it is drawn shall pay to the
21 Department, in addition to the amount already owed to the
22 Department, a fine of \$50. The fines imposed by this Section
23 are in addition to any other discipline provided under this Act
24 prohibiting unlicensed practice or practice on a nonrenewed
25 license. The Department shall notify the person that payment of
26 fees and fines shall be paid to the Department by certified
27 check or money order within 30 calendar days of the
28 notification. If, after the expiration of 30 days from the date
29 of the notification, the person has failed to submit the
30 necessary remittance, the Department shall automatically
31 terminate the license or certificate or deny the application,
32 without hearing. If, after termination or denial, the person
33 seeks a license or certificate, he or she shall apply to the
34 Department for restoration or issuance of the license or

1 certificate and pay all fees and fines due to the Department.
2 The Department may establish a fee for the processing of an
3 application for restoration of a license or certificate to pay
4 all expenses of processing this application. The Director may
5 waive the fines due under this Section in individual cases
6 where the Director finds that the fines would be unreasonable
7 or unnecessarily burdensome.

8 However, any person whose license has expired while he has
9 been engaged (1) in federal or state service active duty, or
10 (2) in training or education under the supervision of the
11 United States preliminary to induction into the military
12 service, may have his license renewed, reinstated or restored
13 without paying any lapsed renewal and restoration fees, if
14 within 2 years after termination of such service, training or
15 education other than by dishonorable discharge, he furnishes
16 the Department with satisfactory proof that he has been so
17 engaged and that his service, training or education has been so
18 terminated.

19 (Source: P.A. 92-146, eff. 1-1-02; 93-32, eff. 7-1-03; 93-460,
20 eff. 8-8-03.)

21 Section 130. The Weights and Measures Act is amended by
22 changing Section 8.1 as follows:

23 (225 ILCS 470/8.1) (from Ch. 147, par. 108.1)

24 Sec. 8.1. Registration of servicepersons, service agents,
25 and special sealers. No person, firm, or corporation shall
26 sell, install, service, recondition or repair a weighing or
27 measuring device used in trade or commerce without first
28 obtaining a certificate of registration. Applications by
29 individuals for a certificate of registration shall be made to
30 the Department, shall be in writing on forms prescribed by the
31 Department, and shall be accompanied by the required fee.

32 Each application shall provide such information that will
33 enable the Department to pass on the qualifications of the
34 applicant for the certificate of registration. The information

1 requests shall include present residence, location of the
2 business to be licensed under this Act, whether the applicant
3 has had any previous registration under this Act or any
4 federal, state, county, or local law, ordinance, or regulation
5 relating to servicepersons and service Agencies, whether the
6 applicant has ever had a registration suspended or revoked,
7 whether the applicant has been convicted of a felony, and such
8 other information as the Department deems necessary to
9 determine if the applicant is qualified to receive a
10 certificate of registration.

11 Before any certificate of registration is issued, the
12 Department shall require the registrant to meet the following
13 qualifications:

14 (1) Has possession of or available for use weights and
15 measures, standards, and testing equipment appropriate in
16 design and adequate in amount to provide the services for
17 which the person is requesting registration.

18 (2) Passes a qualifying examination for each type of
19 weighing or measuring device he intends to install,
20 service, recondition, or repair.

21 (3) Demonstrates a working knowledge of weighing and
22 measuring devices for which he intends to be registered.

23 (4) Has a working knowledge of all appropriate weights
24 and measures laws and their rules and regulations.

25 (5) Has available a current copy of National Institute
26 of Standards and Technology Handbook 44.

27 (6) Pays the prescribed registration fee for the type
28 of registration:

29 (A) The annual fee for a Serviceperson Certificate
30 of Registration shall be \$5 ~~\$25~~.

31 (B) The annual fee for a Special Sealer Certificate
32 of Registration shall be \$25 ~~\$50~~.

33 (C) The annual fee for a Service Agency Certificate
34 of Registration shall be \$25 ~~\$50~~.

35 "Registrant" means any individual, partnership,
36 corporation, agency, firm, or company registered by the

1 Department who installs, services, repairs, or reconditions,
2 for hire, award, commission, or any other payment of any kind,
3 any commercial weighing or measuring device.

4 "Commercial weighing and measuring device" means any
5 weight or measure or weighing or measuring device commercially
6 used or employed (i) in establishing size, quantity, extent,
7 area, or measurement of quantities, things, produce, or
8 articles for distribution or consumption which are purchased,
9 offered, or submitted for sale, hire, or award, or (ii) in
10 computing any basic charge or payment for services rendered,
11 except as otherwise excluded by Section 2 of this Act, and
12 shall also include any accessory attached to or used in
13 connection with a commercial weighing or measuring device when
14 the accessory is so designed or installed that its operation
15 affects, or may affect, the accuracy of the device.

16 "Serviceperson" means any individual who sells, installs,
17 services, repairs, or reconditions, for hire, award,
18 commission, or any other payment of kind, a commercial weighing
19 or measuring device.

20 "Service agency" means any individual, agency, firm,
21 company, or corporation that, for hire, award, commission, or
22 any other payment of any kind, sells, installs, services,
23 repairs, or reconditions a commercial weighing or measuring
24 device.

25 "Special sealer" means any serviceperson who is allowed to
26 service only one service agency's liquid petroleum meters or
27 liquid petroleum measuring devices.

28 Each registered service agency and serviceperson shall
29 have report forms, known as "Placed in Service Reports". These
30 forms shall be executed in triplicate, shall include the
31 assigned registration number (in the case where a registered
32 serviceperson is representing a registered service agency both
33 assigned registration numbers shall be included), and shall be
34 signed by a registered serviceperson or by a registered
35 serviceperson representing a registered service agency for
36 each rejected or repaired device restored to service and for

1 each newly installed device placed in service. Whenever a
2 registered serviceperson or special sealer places into service
3 a weighing or measuring device, there shall be affixed to the
4 device indicator a decal provided by the Department that
5 indicates the device accuracy.

6 Within 5 days after a device is restored to service or
7 placed in service, the original of a properly executed "Placed
8 in Service Report", together with any official rejection tag or
9 seal removed from the device, shall be mailed to the
10 Department. The duplicate copy of the report shall be handed to
11 the owner or operator of the device and the triplicate copy of
12 the report shall be retained by the service agency or
13 serviceperson.

14 A registered service agency and a registered serviceperson
15 shall submit, at least once every 2 years to the Department for
16 examination and certification, any standards and testing
17 equipment that are used, or are to be used, in the performance
18 of the service and testing functions with respect to weighing
19 and measuring devices for which competence is registered. A
20 registered serviceperson or agency shall not use in servicing
21 commercial weighing and measuring devices any standards or
22 testing equipment that have not been certified by the
23 Department.

24 When a serviceperson's or service agency's weights and
25 measures are carried to a National Institute of Standards and
26 Technology approved out-of-state weights and measures
27 laboratory for inspection and testing, the serviceperson or
28 service agency shall be responsible for providing the
29 Department a copy of the current certification of all weights
30 and measures used in the repair, service, or testing of
31 weighing or measuring devices within the State of Illinois.

32 All registered servicepersons placing into service scales
33 in excess of 30,000 pounds shall have a minimum of 10,000
34 pounds of State approved certified test weights to accurately
35 test a scale.

36 Persons working as apprentices are not subject to

1 registration if they work with and under the supervision of a
2 registered serviceperson.

3 The Director is authorized to promulgate, after public
4 hearing, rules and regulations necessary to enforce the
5 provisions of this Section.

6 For good cause and after a hearing upon reasonable notice,
7 the Director may deny any application for registration or any
8 application for renewal of registration, or may revoke or
9 suspend the registration of any registrant.

10 The Director may publish from time to time as he deems
11 appropriate, and may supply upon request, lists of registered
12 servicepersons and registered service agencies.

13 All final administrative decisions of the Director under
14 this Section shall be subject to judicial review under the
15 Administrative Review Law. The term "administrative decision"
16 is defined as in Section 1 of the Administrative Review Law.

17 (Source: P.A. 93-32, eff. 7-1-03.)

18 Section 135. The Liquor Control Act of 1934 is amended by
19 changing Section 5-3 as follows:

20 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

21 Sec. 5-3. License fees. Except as otherwise provided
22 herein, at the time application is made to the State Commission
23 for a license of any class, the applicant shall pay to the
24 State Commission the fee hereinafter provided for the kind of
25 license applied for.

26 The fee for licenses issued by the State Commission shall
27 be as follows:

28 For a manufacturer's license:

29	Class 1. Distiller	\$3,600
30	Class 2. Rectifier	3,600
31	Class 3. Brewer	900
32	Class 4. First-class Wine Manufacturer	600
33	Class 5. Second-class	
34	Wine Manufacturer	1,200

1	Class 6. First-class wine-maker	600
2	Class 7. Second-class wine-maker	1200
3	Class 8. Limited Wine Manufacturer	120
4	For a Brew Pub License	1,050
5	For a caterer retailer's license	200
6	For a foreign importer's license	25
7	For an importing distributor's license	25
8	For a distributor's license	270
9	For a non-resident dealer's license	
10	(500,000 gallons or over)	270
11	For a non-resident dealer's license	
12	(under 500,000 gallons)	90
13	For a wine-maker's premises license	100
14	For a wine-maker's premises license,	
15	second location	350
16	For a wine-maker's premises license,	
17	third location	350
18	For a retailer's license	<u>175</u> 500
19	For a special event retailer's license,	
20	(not-for-profit)	25
21	For a special use permit license,	
22	one day only	50
23	2 days or more	100
24	For a railroad license	60
25	For a boat license	180
26	For an airplane license, times the	
27	licensee's maximum number of aircraft	
28	in flight, serving liquor over the	
29	State at any given time, which either	
30	originate, terminate, or make	
31	an intermediate stop in the State	60
32	For a non-beverage user's license:	
33	Class 1	24
34	Class 2	60
35	Class 3	120
36	Class 4	240

1	Class 5	600
2	For a broker's license	600
3	For an auction liquor license	50

4 Fees collected under this Section shall be paid into the
5 Dram Shop Fund. On and after July 1, 2003 and until the
6 effective date of this amendatory Act of the 94th General
7 Assembly, of the funds received for a retailer's license, in
8 addition to the first \$175, an additional \$75 shall be paid
9 into the Dram Shop Fund, and \$250 shall be paid into the
10 General Revenue Fund. Beginning June 30, 1990 and beginning
11 again on the effective date of this amendatory Act of the 94th
12 General Assembly and on June 30 of each subsequent year
13 thereafter ~~through June 29, 2003~~, any balance over \$5,000,000
14 remaining in the Dram Shop Fund shall be credited to State
15 liquor licensees and applied against their fees for State
16 liquor licenses for the following year. The amount credited to
17 each licensee shall be a proportion of the balance in the Dram
18 Fund that is the same as the proportion of the license fee paid
19 by the licensee under this Section for the period in which the
20 balance was accumulated to the aggregate fees paid by all
21 licensees during that period.

22 No fee shall be paid for licenses issued by the State
23 Commission to the following non-beverage users:

24 (a) Hospitals, sanitariums, or clinics when their use
25 of alcoholic liquor is exclusively medicinal, mechanical
26 or scientific.

27 (b) Universities, colleges of learning or schools when
28 their use of alcoholic liquor is exclusively medicinal,
29 mechanical or scientific.

30 (c) Laboratories when their use is exclusively for the
31 purpose of scientific research.

32 (Source: P.A. 92-378, eff. 8-16-01; 93-22, eff. 6-20-03.)

33 Section 140. The Environmental Protection Act is amended by
34 changing Section 9.6, 12.2, 16.1, 22.8, 22.15, 22.44, 39.5,
35 55.8, 56.4, 56.5, and 56.6 as follows:

1 (415 ILCS 5/9.6) (from Ch. 111 1/2, par. 1009.6)

2 Sec. 9.6. Air pollution operating permit fee.

3 (a) For any site for which an air pollution operating
4 permit is required, other than a site permitted solely as a
5 retail liquid dispensing facility that has air pollution
6 control equipment or an agrichemical facility with an endorsed
7 permit pursuant to Section 39.4, the owner or operator of that
8 site shall pay an initial annual fee to the Agency within 30
9 days of receipt of the permit and an annual fee each year
10 thereafter for as long as a permit is in effect. The owner or
11 operator of a portable emission unit, as defined in 35 Ill.
12 Adm. Code 201.170, may change the site of any unit previously
13 permitted without paying an additional fee under this Section
14 for each site change, provided that no further change to the
15 permit is otherwise necessary or requested.

16 (b) ~~The Notwithstanding any rules to the contrary, the~~
17 following fee amounts shall apply:

18 (1) The fee for a site permitted to emit less than 25
19 tons per year of any combination of regulated air
20 pollutants, as defined in Section 39.5 of this Act, is \$100
21 per year beginning July 1, 1993 and on and after the
22 effective date of this amendatory Act of the 94th General
23 Assembly, and increases to \$200 per year beginning on July
24 1, 2003, except as provided in subsection (c) of this
25 Section.

26 (2) The fee for a site permitted to emit at least 25
27 tons per year but less than 100 tons per year of any
28 combination of regulated air pollutants, as defined in
29 Section 39.5 of this Act, is \$1,000 per year beginning July
30 1, 1993 and on and after the effective date of this
31 amendatory Act of the 94th General Assembly, and increases
32 to \$1,800 per year beginning on July 1, 2003 and until the
33 effective date of this amendatory Act of the 94th General
34 Assembly, except as provided in subsection (c) of this
35 Section.

1 (3) The fee for a site permitted to emit at least 100
2 tons per year of any combination of regulated air
3 pollutants is \$2,500 per year beginning July 1, 1993, and
4 increases to \$3,500 per year beginning on July 1, 2003,
5 except as provided in subsection (c) of this Section;
6 provided, however, that the fee shall not exceed the amount
7 that would be required for the site if it were subject to
8 the fee requirements of Section 39.5 of this Act.

9 (c) The owner or operator of any source subject to
10 paragraphs (b)(1), (b)(2), or (b)(3) of this Section that
11 becomes subject to Section 39.5 of this Act shall continue to
12 pay the fee set forth in this Section until the source becomes
13 subject to the fee set forth within subsection 18 of Section
14 39.5 of this Act. In the event a site has paid a fee under this
15 Section during the 12 month period following the effective date
16 of the CAAPP ~~for that site~~, the fee amount shall be deducted
17 from any amount due under subsection 18 of Section 39.5 of this
18 Act. Owners or operators that are subject to paragraph (b)(1),
19 (b)(2), or (b)(3) of this Section, but that are not also
20 subject to Section 39.5, or excluded pursuant to subsection 1.1
21 or subsection 3(c) of Section 39.5 shall continue to pay the
22 fee amounts set forth within paragraphs (b)(1), (b)(2), or
23 (b)(3), whichever is applicable.

24 (d) Only one air pollution site fee may be collected from
25 any site, even if such site receives more than one air
26 pollution control permit.

27 (e) The Agency shall establish procedures for the
28 collection of air pollution site fees. Air pollution site fees
29 may be paid annually, or in advance for the number of years for
30 which the permit is issued, at the option of the owner or
31 operator. ~~Payment in advance does not exempt the owner or~~
32 ~~operator from paying any increase in the fee that may occur~~
33 ~~during the term of the permit; the owner or operator must pay~~
34 ~~the amount of the increase upon and from the effective date of~~
35 ~~the increase.~~

36 (f) The Agency may deny an application for the issuance~~7~~

1 ~~transfer,~~ or renewal of an air pollution operating permit if
2 any air pollution site fee owed by the applicant has not been
3 paid within 60 days of the due date, unless the applicant, at
4 the time of application, pays to the Agency in advance the air
5 pollution site fee for the site that is the subject of the
6 operating permit, plus any other air pollution site fees then
7 owed by the applicant. The denial of an air pollution operating
8 permit for failure to pay an air pollution site fee shall be
9 subject to review by the Board pursuant to the provisions of
10 subsection (a) of Section 40 of this Act.

11 (g) (Blank). ~~If the Agency determines that an owner or~~
12 ~~operator of a site was required, but failed, to timely obtain~~
13 ~~an air pollution operating permit, and as a result avoided the~~
14 ~~payment of permit fees, the Agency may collect the avoided~~
15 ~~permit fees with or without pursuing enforcement under Section~~
16 ~~31 of this Act. The avoided permit fees shall be calculated as~~
17 ~~double the amount that would have been owed had a permit been~~
18 ~~timely obtained. Fees collected pursuant to this subsection (g)~~
19 ~~shall be deposited into the Environmental Protection Permit and~~
20 ~~Inspection Fund.~~

21 (h) (Blank). ~~If the Agency determines that an owner or~~
22 ~~operator of a site was required, but failed, to timely obtain~~
23 ~~an air pollution operating permit and as a result avoided the~~
24 ~~payment of permit fees, an enforcement action may be brought~~
25 ~~under Section 31 of this Act. In addition to any other relief~~
26 ~~that may be obtained as part of this action, the Agency may~~
27 ~~seek to recover the avoided permit fees. The avoided permit~~
28 ~~fees shall be calculated as double the amount that would have~~
29 ~~been owed had a permit been timely obtained. Fees collected~~
30 ~~pursuant to this subsection (h) shall be deposited into the~~
31 ~~Environmental Protection Permit and Inspection Fund.~~

32 (i) (Blank). ~~If a permittee subject to a fee under this~~
33 ~~Section fails to pay the fee within 90 days of its due date, or~~
34 ~~makes the fee payment from an account with insufficient funds~~
35 ~~to cover the amount of the fee payment, the Agency shall notify~~
36 ~~the permittee of the failure to pay the fee. If the permittee~~

~~fails to pay the fee within 60 days after such notification, the Agency may, by written notice, immediately revoke the air pollution operating permit. Failure of the Agency to notify the permittee of failure to pay a fee due under this Section, or the payment of the fee from an account with insufficient funds to cover the amount of the fee payment, does not excuse or alter the duty of the permittee to comply with the provisions of this Section.~~

(Source: P.A. 93-32, eff. 7-1-03.)

(415 ILCS 5/12.2) (from Ch. 111 1/2, par. 1012.2)

Sec. 12.2. Water pollution construction permit fees.

(a) Beginning July 1, 2003, the Agency shall collect a fee in the amount set forth in this Section for any sewer which requires a construction permit under paragraph (b) of Section 12, from each applicant for a sewer construction permit under paragraph (b) of Section 12 or regulations adopted hereunder.†

~~(1) for any sewer which requires a construction permit under paragraph (b) of Section 12, from each applicant for a sewer construction permit under paragraph (b) of Section 12 or regulations adopted hereunder; and~~

~~(2) for any treatment works, industrial pretreatment works, or industrial wastewater source that requires a construction permit under paragraph (b) of Section 12, from the applicant for the construction permit. However, no fee shall be required for a treatment works or wastewater source directly covered and authorized under an NPDES permit issued by the Agency, nor for any treatment works, industrial pretreatment works, or industrial wastewater source (i) that is under or pending construction authorized by a valid construction permit issued by the Agency prior to July 1, 2003, during the term of that construction permit, or (ii) for which a completed construction permit application has been received by the Agency prior to July 1, 2003, with respect to the permit issued under that application.~~

1 (b) Each applicant or person required to pay a fee under
2 this Section shall submit the fee to the Agency along with the
3 permit application. The Agency shall deny any construction
4 permit application for which a fee is required under this
5 Section that does not contain the appropriate fee.

6 (c) The amount of the fee is as follows:

7 (1) A \$50 ~~\$100~~ fee shall be required for any sewer
8 constructed with a design population of 1.

9 (2) A \$200 ~~\$400~~ fee shall be required for any sewer
10 constructed with a design population of 2 to 20.

11 (3) A \$400 ~~\$800~~ fee shall be required for any sewer
12 constructed with a design population greater than 20 but
13 less than 101.

14 (4) A \$600 ~~\$1200~~ fee shall be required for any sewer
15 constructed with a design population greater than 100 but
16 less than 500.

17 (5) A \$1,200 ~~\$2400~~ fee shall be required for any sewer
18 constructed with a design population of 500 or more.

19 ~~(6) A \$1,000 fee shall be required for any industrial~~
20 ~~wastewater source that does not require pretreatment of the~~
21 ~~wastewater prior to discharge to the publicly owned~~
22 ~~treatment works or publicly regulated treatment works.~~

23 ~~(7) A \$3,000 fee shall be required for any industrial~~
24 ~~wastewater source that requires pretreatment of the~~
25 ~~wastewater for non-toxic pollutants prior to discharge to~~
26 ~~the publicly owned treatment works or publicly regulated~~
27 ~~treatment works.~~

28 ~~(8) A \$6,000 fee shall be required for any industrial~~
29 ~~wastewater source that requires pretreatment of the~~
30 ~~wastewater for toxic pollutants prior to discharge to the~~
31 ~~publicly owned treatment works or publicly regulated~~
32 ~~treatment works.~~

33 ~~(9) A \$2,500 fee shall be required for construction~~
34 ~~relating to land application of industrial sludge or spray~~
35 ~~irrigation of industrial wastewater.~~

36 All fees collected by the Agency under this Section shall

1 be deposited into the Environmental Protection Permit and
2 Inspection Fund in accordance with Section 22.8.

3 (d) Prior to a final Agency decision on a permit
4 application for which a fee has been paid under this Section,
5 the applicant may propose modification to the application in
6 accordance with this Act and regulations adopted hereunder
7 without any additional fee becoming due, unless the proposed
8 modifications cause an increase in the design population served
9 by the sewer specified in the permit application before the
10 modifications ~~or the modifications cause a change in the~~
11 ~~applicable fee category stated in subsection (c)~~. If the
12 modifications cause such an increase ~~or change the fee category~~
13 and the increase results in additional fees being due under
14 subsection (c), the applicant shall submit the additional fee
15 to the Agency with the proposed modifications.

16 (e) No fee shall be due under this Section from:

17 (1) any department, agency or unit of State government
18 for installing or extending a sewer;

19 (2) any unit of local government with which the Agency
20 has entered into a written delegation agreement under
21 Section 4 which allows such unit to issue construction
22 permits under this Title, or regulations adopted
23 hereunder, for installing or extending a sewer; or

24 (3) any unit of local government or school district for
25 installing or extending a sewer where both of the following
26 conditions are met:

27 (i) the cost of the installation or extension is
28 paid wholly from monies of the unit of local government
29 or school district, State grants or loans, federal
30 grants or loans, or any combination thereof; and

31 (ii) the unit of local government or school
32 district is not given monies, reimbursed or paid,
33 either in whole or in part, by another person (except
34 for State grants or loans or federal grants or loans)
35 for the installation or extension.

36 (f) The Agency may establish procedures relating to the

1 collection of fees under this Section. The Agency shall not
2 refund any fee paid to it under this Section. ~~Notwithstanding~~
3 ~~the provisions of any rule adopted before July 1, 2003~~
4 ~~concerning fees under this Section, the Agency shall assess and~~
5 ~~collect the fees imposed under subdivision (a)(2) of this~~
6 ~~Section and the increases in the fees imposed under subdivision~~
7 ~~(a)(1) of this Section beginning on July 1, 2003, for all~~
8 ~~completed applications received on or after that date.~~

9 (g) Notwithstanding any other provision of this Act, the
10 Agency shall, not later than 45 days following the receipt of
11 both an application for a construction permit and the fee
12 required by this Section, either approve that application and
13 issue a permit or tender to the applicant a written statement
14 setting forth with specificity the reasons for the disapproval
15 of the application and denial of a permit. If the Agency takes
16 no final action within 45 days after the filing of the
17 application for a permit, the applicant may deem the permit
18 issued.

19 (h) (Blank). ~~For purposes of this Section:~~

20 ~~"Toxic pollutants" means those pollutants defined in~~
21 ~~Section 502(13) of the federal Clean Water Act and regulations~~
22 ~~adopted pursuant to that Act.~~

23 ~~"Industrial" refers to those industrial users referenced~~
24 ~~in Section 502(13) of the federal Clean Water Act and~~
25 ~~regulations adopted pursuant to that Act.~~

26 ~~"Pretreatment" means the reduction of the amount of~~
27 ~~pollutants, the elimination of pollutants, or the alteration of~~
28 ~~the nature of pollutant properties in wastewater prior to or in~~
29 ~~lieu of discharging or otherwise introducing those pollutants~~
30 ~~into a publicly owned treatment works or publicly regulated~~
31 ~~treatment works.~~

32 (Source: P.A. 93-32, eff. 7-1-03.)

33 (415 ILCS 5/16.1) (from Ch. 111 1/2, par. 1016.1)

34 Sec. 16.1. Permit fees.

35 (a) Except as provided in subsection (f), the Agency shall

1 collect a fee in the amount set forth in subsection (d) from:
2 (1) each applicant for a construction permit under this Title,
3 or regulations adopted hereunder, to install or extend water
4 main; and (2) each person who submits as-built plans under this
5 Title, or regulations adopted hereunder, to install or extend
6 water main.

7 (b) Except as provided in subsection (c), each applicant or
8 person required to pay a fee under this Section shall submit
9 the fee to the Agency along with the permit application or
10 as-built plans. The Agency shall deny any construction permit
11 application for which a fee is required under this Section that
12 does not contain the appropriate fee. The Agency shall not
13 approve any as-built plans for which a fee is required under
14 this Section that do not contain the appropriate fee.

15 (c) Each applicant for an emergency construction permit
16 under this Title, or regulations adopted hereunder, to install
17 or extend a water main shall submit the appropriate fee to the
18 Agency within 10 calendar days from the date of issuance of the
19 emergency construction permit.

20 (d) The amount of the fee is as follows:

21 (1) \$120 ~~\$240~~ if the construction permit application is
22 to install or extend water main that is more than 200 feet,
23 but not more than 1,000 feet in length;

24 (2) \$360 ~~\$720~~ if the construction permit application is
25 to install or extend water main that is more than 1,000
26 feet but not more than 5,000 feet in length;

27 (3) 600 ~~\$1200~~ if the construction permit application is
28 to install or extend water main that is more than 5,000
29 feet in length.

30 (e) Prior to a final Agency decision on a permit
31 application for which a fee has been paid under this Section,
32 the applicant may propose modifications to the application in
33 accordance with this Act and regulations adopted hereunder
34 without any additional fee becoming due unless the proposed
35 modifications cause the length of water main to increase beyond
36 the length specified in the permit application before the

1 modifications. If the modifications cause such an increase and
2 the increase results in additional fees being due under
3 subsection (d), the applicant shall submit the additional fee
4 to the Agency with the proposed modifications.

5 (f) No fee shall be due under this Section from (1) any
6 department, agency or unit of State government for installing
7 or extending a water main; (2) any unit of local government
8 with which the Agency has entered into a written delegation
9 agreement under Section 4 of this Act which allows such unit to
10 issue construction permits under this Title, or regulations
11 adopted hereunder, for installing or extending a water main; or
12 (3) any unit of local government or school district for
13 installing or extending a water main where both of the
14 following conditions are met: (i) the cost of the installation
15 or extension is paid wholly from monies of the unit of local
16 government or school district, State grants or loans, federal
17 grants or loans, or any combination thereof; and (ii) the unit
18 of local government or school district is not given monies,
19 reimbursed or paid, either in whole or in part, by another
20 person (except for State grants or loans or federal grants or
21 loans) for the installation or extension.

22 (g) The Agency may establish procedures relating to the
23 collection of fees under this Section. The Agency shall not
24 refund any fee paid to it under this Section.

25 (h) For the purposes of this Section, the term "water main"
26 means any pipe that is to be used for the purpose of
27 distributing potable water which serves or is accessible to
28 more than one property, dwelling or rental unit, and that is
29 exterior to buildings.

30 (i) Notwithstanding any other provision of this Act, the
31 Agency shall, not later than 45 days following the receipt of
32 both an application for a construction permit and the fee
33 required by this Section, either approve that application and
34 issue a permit or tender to the applicant a written statement
35 setting forth with specificity the reasons for the disapproval
36 of the application and denial of a permit. If there is no final

1 action by the Agency within 45 days after the filing of the
2 application for a permit, the applicant may deem the permit
3 issued.

4 (Source: P.A. 93-32, eff. 7-1-03.)

5 (415 ILCS 5/22.8) (from Ch. 111 1/2, par. 1022.8)

6 Sec. 22.8. Environmental Protection Permit and Inspection
7 Fund.

8 (a) There is hereby created in the State Treasury a special
9 fund to be known as the Environmental Protection Permit and
10 Inspection Fund. All fees collected by the Agency pursuant to
11 this Section, Section 9.6, 12.2, 16.1, 22.2 (j) (6) (E) (v) (IV),
12 56.4, 56.5, 56.6, and subsection (f) of Section 5 of this Act
13 or pursuant to Section 22 of the Public Water Supply Operations
14 Act and funds collected under subsection (b.5) of Section 42 of
15 this Act shall be deposited into the Fund. In addition to any
16 monies appropriated from the General Revenue Fund, monies in
17 the Fund shall be appropriated by the General Assembly to the
18 Agency in amounts deemed necessary for manifest, permit, and
19 inspection activities and for processing requests under
20 Section 22.2 (j) (6) (E) (v) (IV).

21 The General Assembly may appropriate monies in the Fund
22 deemed necessary for Board regulatory and adjudicatory
23 proceedings.

24 (b) The Agency shall collect from the owner or operator of
25 any of the following types of hazardous waste disposal sites or
26 management facilities which require a RCRA permit under
27 subsection (f) of Section 21 of this Act, or a UIC permit under
28 subsection (g) of Section 12 of this Act, an annual fee in the
29 amount of:

30 (1) \$35,000 (\$70,000 beginning in 2004 and until the
31 effective date of this amendatory Act of the 94th General
32 Assembly) for a hazardous waste disposal site receiving
33 hazardous waste if the hazardous waste disposal site is
34 located off the site where such waste was produced;

35 (2) \$9,000 (\$18,000 beginning in 2004 and until the

1 effective date of this amendatory Act of the 94th General
2 Assembly) for a hazardous waste disposal site receiving
3 hazardous waste if the hazardous waste disposal site is
4 located on the site where such waste was produced;

5 (3) \$7,000 (\$14,000 beginning in 2004 and until the
6 effective date of this amendatory Act of the 94th General
7 Assembly) for a hazardous waste disposal site receiving
8 hazardous waste if the hazardous waste disposal site is an
9 underground injection well;

10 (4) \$2,000 (\$4,000 beginning in 2004 and until the
11 effective date of this amendatory Act of the 94th General
12 Assembly) for a hazardous waste management facility
13 treating hazardous waste by incineration;

14 (5) \$1,000 (\$2,000 beginning in 2004 and until the
15 effective date of this amendatory Act of the 94th General
16 Assembly) for a hazardous waste management facility
17 treating hazardous waste by a method, technique or process
18 other than incineration;

19 (6) \$1,000 (\$2,000 beginning in 2004 and until the
20 effective date of this amendatory Act of the 94th General
21 Assembly) for a hazardous waste management facility
22 storing hazardous waste in a surface impoundment or pile;

23 (7) \$250 (\$500 beginning in 2004 and until the
24 effective date of this amendatory Act of the 94th General
25 Assembly) for a hazardous waste management facility
26 storing hazardous waste other than in a surface impoundment
27 or pile; and

28 (8) (Blank). ~~Beginning in 2004, \$500 for a large~~
29 ~~quantity hazardous waste generator required to submit an~~
30 ~~annual or biennial report for hazardous waste generation.~~

31 (c) Where two or more operational units are located within
32 a single hazardous waste disposal site, the Agency shall
33 collect from the owner or operator of such site an annual fee
34 equal to the highest fee imposed by subsection (b) of this
35 Section upon any single operational unit within the site.

36 (d) The fee imposed upon a hazardous waste disposal site

1 under this Section shall be the exclusive permit and inspection
2 fee applicable to hazardous waste disposal at such site,
3 provided that nothing in this Section shall be construed to
4 diminish or otherwise affect any fee imposed upon the owner or
5 operator of a hazardous waste disposal site by Section 22.2.

6 (e) The Agency shall establish procedures, no later than
7 December 1, 1984, relating to the collection of the hazardous
8 waste disposal site fees authorized by this Section. Such
9 procedures shall include, but not be limited to the time and
10 manner of payment of fees to the Agency, which shall be
11 quarterly, payable at the beginning of each quarter for
12 hazardous waste disposal site fees. Annual fees required under
13 paragraph (7) of subsection (b) of this Section shall accompany
14 the annual report required by Board regulations for the
15 calendar year for which the report applies.

16 (f) For purposes of this Section, a hazardous waste
17 disposal site consists of one or more of the following
18 operational units:

19 (1) a landfill receiving hazardous waste for disposal;

20 (2) a waste pile or surface impoundment, receiving
21 hazardous waste, in which residues which exhibit any of the
22 characteristics of hazardous waste pursuant to Board
23 regulations are reasonably expected to remain after
24 closure;

25 (3) a land treatment facility receiving hazardous
26 waste; or

27 (4) a well injecting hazardous waste.

28 (g) On and after the effective date of this amendatory Act
29 of the 94th General Assembly, the Agency shall assess a fee of
30 \$1 for each manifest provided by the Agency shall furnish up to
31 20 manifests requested by any generator at no charge and no
32 generator shall be required to pay more than \$500 per year in
33 such manifest fees. ~~The Agency shall assess a fee for each~~
34 ~~manifest provided by the Agency. For manifests provided on or~~
35 ~~after January 1, 1989 but before July 1, 2003, the fee shall be~~
36 ~~\$1 per manifest. For manifests provided on or after July 1,~~

1 ~~2003, the fee shall be \$3 per manifest.~~

2 (Source: P.A. 93-32, eff. 7-1-03.)

3 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

4 Sec. 22.15. Solid Waste Management Fund; fees.

5 (a) There is hereby created within the State Treasury a
6 special fund to be known as the "Solid Waste Management Fund",
7 to be constituted from the fees collected by the State pursuant
8 to this Section and from repayments of loans made from the Fund
9 for solid waste projects. Moneys received by the Department of
10 Commerce and Economic Opportunity in repayment of loans made
11 pursuant to the Illinois Solid Waste Management Act shall be
12 deposited into the General Revenue Fund.

13 (b) The Agency shall assess and collect a fee in the amount
14 set forth herein from the owner or operator of each sanitary
15 landfill permitted or required to be permitted by the Agency to
16 dispose of solid waste if the sanitary landfill is located off
17 the site where such waste was produced and if such sanitary
18 landfill is owned, controlled, and operated by a person other
19 than the generator of such waste. The Agency shall deposit all
20 fees collected into the Solid Waste Management Fund. If a site
21 is contiguous to one or more landfills owned or operated by the
22 same person, the volumes permanently disposed of by each
23 landfill shall be combined for purposes of determining the fee
24 under this subsection.

25 (1) If more than 150,000 cubic yards of non-hazardous
26 solid waste is permanently disposed of at a site in a
27 calendar year, the owner or operator shall either pay a fee
28 of \$0.45 ~~95 cents~~ per cubic yard or, alternatively, the
29 owner or operator may weigh the quantity of the solid waste
30 permanently disposed of with a device for which
31 certification has been obtained under the Weights and
32 Measures Act and pay a fee of \$0.95 ~~\$2.00~~ per ton of solid
33 waste permanently disposed of. In no case shall the fee
34 collected or paid by the owner or operator under this
35 paragraph exceed \$1.05 ~~\$1.55~~ per cubic yard or \$2.22 ~~\$3.27~~

1 per ton.

2 (2) If more than 100,000 cubic yards but not more than
3 150,000 cubic yards of non-hazardous waste is permanently
4 disposed of at a site in a calendar year, the owner or
5 operator shall pay a fee of \$25,000 ~~\$52,630~~.

6 (3) If more than 50,000 cubic yards but not more than
7 100,000 cubic yards of non-hazardous solid waste is
8 permanently disposed of at a site in a calendar year, the
9 owner or operator shall pay a fee of \$11,300 ~~\$23,790~~.

10 (4) If more than 10,000 cubic yards but not more than
11 50,000 cubic yards of non-hazardous solid waste is
12 permanently disposed of at a site in a calendar year, the
13 owner or operator shall pay a fee of \$3,450 ~~\$7,260~~.

14 (5) If not more than 10,000 cubic yards of
15 non-hazardous solid waste is permanently disposed of at a
16 site in a calendar year, the owner or operator shall pay a
17 fee of \$500 ~~\$1050~~.

18 (c) (Blank.)

19 (d) The Agency shall establish rules relating to the
20 collection of the fees authorized by this Section. Such rules
21 shall include, but not be limited to:

22 (1) necessary records identifying the quantities of
23 solid waste received or disposed;

24 (2) the form and submission of reports to accompany the
25 payment of fees to the Agency;

26 (3) the time and manner of payment of fees to the
27 Agency, which payments shall not be more often than
28 quarterly; and

29 (4) procedures setting forth criteria establishing
30 when an owner or operator may measure by weight or volume
31 during any given quarter or other fee payment period.

32 (e) Pursuant to appropriation, all monies in the Solid
33 Waste Management Fund shall be used by the Agency and the
34 Department of Commerce and Economic Opportunity for the
35 purposes set forth in this Section and in the Illinois Solid
36 Waste Management Act, including for the costs of fee collection

1 and administration.

2 (f) The Agency is authorized to enter into such agreements
3 and to promulgate such rules as are necessary to carry out its
4 duties under this Section and the Illinois Solid Waste
5 Management Act.

6 (g) On the first day of January, April, July, and October
7 of each year, beginning on July 1, 1996, the State Comptroller
8 and Treasurer shall transfer \$500,000 from the Solid Waste
9 Management Fund to the Hazardous Waste Fund. Moneys transferred
10 under this subsection (g) shall be used only for the purposes
11 set forth in item (1) of subsection (d) of Section 22.2.

12 (h) The Agency is authorized to provide financial
13 assistance to units of local government for the performance of
14 inspecting, investigating and enforcement activities pursuant
15 to Section 4(r) at nonhazardous solid waste disposal sites.

16 (i) The Agency is authorized to support the operations of
17 an industrial materials exchange service, and to conduct
18 household waste collection and disposal programs.

19 (j) A unit of local government, as defined in the Local
20 Solid Waste Disposal Act, in which a solid waste disposal
21 facility is located may establish a fee, tax, or surcharge with
22 regard to the permanent disposal of solid waste. All fees,
23 taxes, and surcharges collected under this subsection shall be
24 utilized for solid waste management purposes, including
25 long-term monitoring and maintenance of landfills, planning,
26 implementation, inspection, enforcement and other activities
27 consistent with the Solid Waste Management Act and the Local
28 Solid Waste Disposal Act, or for any other environment-related
29 purpose, including but not limited to an environment-related
30 public works project, but not for the construction of a new
31 pollution control facility other than a household hazardous
32 waste facility. However, the total fee, tax or surcharge
33 imposed by all units of local government under this subsection
34 (j) upon the solid waste disposal facility shall not exceed:

35 (1) 60¢ per cubic yard if more than 150,000 cubic yards
36 of non-hazardous solid waste is permanently disposed of at

1 the site in a calendar year, unless the owner or operator
2 weighs the quantity of the solid waste received with a
3 device for which certification has been obtained under the
4 Weights and Measures Act, in which case the fee shall not
5 exceed \$1.27 per ton of solid waste permanently disposed
6 of.

7 (2) \$33,350 if more than 100,000 cubic yards, but not
8 more than 150,000 cubic yards, of non-hazardous waste is
9 permanently disposed of at the site in a calendar year.

10 (3) \$15,500 if more than 50,000 cubic yards, but not
11 more than 100,000 cubic yards, of non-hazardous solid waste
12 is permanently disposed of at the site in a calendar year.

13 (4) \$4,650 if more than 10,000 cubic yards, but not
14 more than 50,000 cubic yards, of non-hazardous solid waste
15 is permanently disposed of at the site in a calendar year.

16 (5) \$\$650 if not more than 10,000 cubic yards of
17 non-hazardous solid waste is permanently disposed of at the
18 site in a calendar year.

19 The corporate authorities of the unit of local government
20 may use proceeds from the fee, tax, or surcharge to reimburse a
21 highway commissioner whose road district lies wholly or
22 partially within the corporate limits of the unit of local
23 government for expenses incurred in the removal of
24 nonhazardous, nonfluid municipal waste that has been dumped on
25 public property in violation of a State law or local ordinance.

26 A county or Municipal Joint Action Agency that imposes a
27 fee, tax, or surcharge under this subsection may use the
28 proceeds thereof to reimburse a municipality that lies wholly
29 or partially within its boundaries for expenses incurred in the
30 removal of nonhazardous, nonfluid municipal waste that has been
31 dumped on public property in violation of a State law or local
32 ordinance.

33 If the fees are to be used to conduct a local sanitary
34 landfill inspection or enforcement program, the unit of local
35 government must enter into a written delegation agreement with
36 the Agency pursuant to subsection (r) of Section 4. The unit of

1 local government and the Agency shall enter into such a written
2 delegation agreement within 60 days after the establishment of
3 such fees. At least annually, the Agency shall conduct an audit
4 of the expenditures made by units of local government from the
5 funds granted by the Agency to the units of local government
6 for purposes of local sanitary landfill inspection and
7 enforcement programs, to ensure that the funds have been
8 expended for the prescribed purposes under the grant.

9 The fees, taxes or surcharges collected under this
10 subsection (j) shall be placed by the unit of local government
11 in a separate fund, and the interest received on the moneys in
12 the fund shall be credited to the fund. The monies in the fund
13 may be accumulated over a period of years to be expended in
14 accordance with this subsection.

15 A unit of local government, as defined in the Local Solid
16 Waste Disposal Act, shall prepare and distribute to the Agency,
17 in April of each year, a report that details spending plans for
18 monies collected in accordance with this subsection. The report
19 will at a minimum include the following:

20 (1) The total monies collected pursuant to this
21 subsection.

22 (2) The most current balance of monies collected
23 pursuant to this subsection.

24 (3) An itemized accounting of all monies expended for
25 the previous year pursuant to this subsection.

26 (4) An estimation of monies to be collected for the
27 following 3 years pursuant to this subsection.

28 (5) A narrative detailing the general direction and
29 scope of future expenditures for one, 2 and 3 years.

30 The exemptions granted under Sections 22.16 and 22.16a, and
31 under subsections (c) and (k) of this Section, shall be
32 applicable to any fee, tax or surcharge imposed under this
33 subsection (j); except that the fee, tax or surcharge
34 authorized to be imposed under this subsection (j) may be made
35 applicable by a unit of local government to the permanent
36 disposal of solid waste after December 31, 1986, under any

1 contract lawfully executed before June 1, 1986 under which more
2 than 150,000 cubic yards (or 50,000 tons) of solid waste is to
3 be permanently disposed of, even though the waste is exempt
4 from the fee imposed by the State under subsection (b) of this
5 Section pursuant to an exemption granted under Section 22.16.

6 (k) In accordance with the findings and purposes of the
7 Illinois Solid Waste Management Act, beginning January 1, 1989
8 the fee under subsection (b) and the fee, tax or surcharge
9 under subsection (j) shall not apply to:

10 (1) Waste which is hazardous waste; or

11 (2) Waste which is pollution control waste; or

12 (3) Waste from recycling, reclamation or reuse
13 processes which have been approved by the Agency as being
14 designed to remove any contaminant from wastes so as to
15 render such wastes reusable, provided that the process
16 renders at least 50% of the waste reusable; or

17 (4) Non-hazardous solid waste that is received at a
18 sanitary landfill and composted or recycled through a
19 process permitted by the Agency; or

20 (5) Any landfill which is permitted by the Agency to
21 receive only demolition or construction debris or
22 landscape waste.

23 (Source: P.A. 93-32, eff. 7-1-03; 94-91, eff. 7-1-05.)

24 (415 ILCS 5/22.44)

25 Sec. 22.44. Subtitle D management fees.

26 (a) There is created within the State treasury a special
27 fund to be known as the "Subtitle D Management Fund"
28 constituted from the fees collected by the State under this
29 Section.

30 (b) The Agency shall assess and collect a fee in the amount
31 set forth in this subsection from the owner or operator of each
32 sanitary landfill permitted or required to be permitted by the
33 Agency to dispose of solid waste if the sanitary landfill is
34 located off the site where the waste was produced and if the
35 sanitary landfill is owned, controlled, and operated by a

1 person other than the generator of the waste. The Agency shall
2 deposit all fees collected under this subsection into the
3 Subtitle D Management Fund. If a site is contiguous to one or
4 more landfills owned or operated by the same person, the
5 volumes permanently disposed of by each landfill shall be
6 combined for purposes of determining the fee under this
7 subsection.

8 (1) If more than 150,000 cubic yards of non-hazardous
9 solid waste is permanently disposed of at a site in a
10 calendar year, the owner or operator shall either pay a fee
11 of \$0.055 ~~10.1 cents~~ per cubic yard or, alternatively, the
12 owner or operator may weigh the quantity of the solid waste
13 permanently disposed of with a device for which
14 certification has been obtained under the Weights and
15 Measures Act and pay a fee of \$0.12 ~~22~~ cents per ton of
16 waste permanently disposed of.

17 (2) If more than 100,000 cubic yards, but not more than
18 150,000 cubic yards, of non-hazardous waste is permanently
19 disposed of at a site in a calendar year, the owner or
20 operator shall pay a fee of \$3,825 ~~\$7,020~~.

21 (3) If more than 50,000 cubic yards, but not more than
22 100,000 cubic yards, of non-hazardous solid waste is
23 permanently disposed of at a site in a calendar year, the
24 owner or operator shall pay a fee of \$1,700 ~~\$3,120~~.

25 (4) If more than 10,000 cubic yards, but not more than
26 50,000 cubic yards, of non-hazardous solid waste is
27 permanently disposed of at a site in a calendar year, the
28 owner or operator shall pay a fee of \$530 ~~\$975~~.

29 (5) If not more than 10,000 cubic yards of
30 non-hazardous solid waste is permanently disposed of at a
31 site in a calendar year, the owner or operator shall pay a
32 fee of \$110 ~~\$210~~.

33 (c) The fee under subsection (b) shall not apply to any of
34 the following:

35 (1) Hazardous waste.

36 (2) Pollution control waste.

1 (3) Waste from recycling, reclamation, or reuse
2 processes that have been approved by the Agency as being
3 designed to remove any contaminant from wastes so as to
4 render the wastes reusable, provided that the process
5 renders at least 50% of the waste reusable.

6 (4) Non-hazardous solid waste that is received at a
7 sanitary landfill and composted or recycled through a
8 process permitted by the Agency.

9 (5) Any landfill that is permitted by the Agency to
10 receive only demolition or construction debris or
11 landscape waste.

12 (d) The Agency shall establish rules relating to the
13 collection of the fees authorized by this Section. These rules
14 shall include, but not be limited to the following:

15 (1) Necessary records identifying the quantities of
16 solid waste received or disposed.

17 (2) The form and submission of reports to accompany the
18 payment of fees to the Agency.

19 (3) The time and manner of payment of fees to the
20 Agency, which payments shall not be more often than
21 quarterly.

22 (4) Procedures setting forth criteria establishing
23 when an owner or operator may measure by weight or volume
24 during any given quarter or other fee payment period.

25 (e) Fees collected under this Section shall be in addition
26 to any other fees collected under any other Section.

27 (f) The Agency shall not refund any fee paid to it under
28 this Section.

29 (g) Pursuant to appropriation, all moneys in the Subtitle D
30 Management Fund shall be used by the Agency to administer the
31 United States Environmental Protection Agency's Subtitle D
32 Program provided in Sections 4004 and 4010 of the Resource
33 Conservation and Recovery Act of 1976 (P.L. 94-580) as it
34 relates to a municipal solid waste landfill program in Illinois
35 and to fund a delegation of inspecting, investigating, and
36 enforcement functions, within the municipality only, pursuant

1 to subsection (r) of Section 4 of this Act to a municipality
2 having a population of more than 1,000,000 inhabitants. The
3 Agency shall execute a delegation agreement pursuant to
4 subsection (r) of Section 4 of this Act with a municipality
5 having a population of more than 1,000,000 inhabitants within
6 90 days of September 13, 1993 and shall on an annual basis
7 distribute from the Subtitle D Management Fund to that
8 municipality no less than \$150,000. Pursuant to appropriation,
9 moneys in the Subtitle D Management Fund may also be used by
10 the Agency for activities conducted under Section 22.15a of
11 this Act.

12 (Source: P.A. 93-32, eff. 7-1-03; 94-272, eff. 7-19-05.)

13 (415 ILCS 5/39.5) (from Ch. 111 1/2, par. 1039.5)

14 Sec. 39.5. Clean Air Act Permit Program.

15 1. Definitions.

16 For purposes of this Section:

17 "Administrative permit amendment" means a permit revision
18 subject to subsection 13 of this Section.

19 "Affected source for acid deposition" means a source that
20 includes one or more affected units under Title IV of the Clean
21 Air Act.

22 "Affected States" for purposes of formal distribution of a
23 draft CAAPP permit to other States for comments prior to
24 issuance, means all States:

25 (1) Whose air quality may be affected by the source
26 covered by the draft permit and that are contiguous to
27 Illinois; or

28 (2) That are within 50 miles of the source.

29 "Affected unit for acid deposition" shall have the meaning
30 given to the term "affected unit" in the regulations
31 promulgated under Title IV of the Clean Air Act.

32 "Applicable Clean Air Act requirement" means all of the
33 following as they apply to emissions units in a source
34 (including regulations that have been promulgated or approved
35 by USEPA pursuant to the Clean Air Act which directly impose

1 requirements upon a source and other such federal requirements
2 which have been adopted by the Board. These may include
3 requirements and regulations which have future effective
4 compliance dates. Requirements and regulations will be exempt
5 if USEPA determines that such requirements need not be
6 contained in a Title V permit):

7 (1) Any standard or other requirement provided for in
8 the applicable state implementation plan approved or
9 promulgated by USEPA under Title I of the Clean Air Act
10 that implement the relevant requirements of the Clean Air
11 Act, including any revisions to the state Implementation
12 Plan promulgated in 40 CFR Part 52, Subparts A and O and
13 other subparts applicable to Illinois. For purposes of this
14 subsection (1) of this definition, "any standard or other
15 requirement" shall mean only such standards or
16 requirements directly enforceable against an individual
17 source under the Clean Air Act.

18 (2) (i) Any term or condition of any preconstruction
19 permits issued pursuant to regulations approved or
20 promulgated by USEPA under Title I of the Clean Air
21 Act, including Part C or D of the Clean Air Act.

22 (ii) Any term or condition as required pursuant to
23 Section 39.5 of any federally enforceable State
24 operating permit issued pursuant to regulations
25 approved or promulgated by USEPA under Title I of the
26 Clean Air Act, including Part C or D of the Clean Air
27 Act.

28 (3) Any standard or other requirement under Section 111
29 of the Clean Air Act, including Section 111(d).

30 (4) Any standard or other requirement under Section 112
31 of the Clean Air Act, including any requirement concerning
32 accident prevention under Section 112(r)(7) of the Clean
33 Air Act.

34 (5) Any standard or other requirement of the acid rain
35 program under Title IV of the Clean Air Act or the
36 regulations promulgated thereunder.

1 (6) Any requirements established pursuant to Section
2 504(b) or Section 114(a) (3) of the Clean Air Act.

3 (7) Any standard or other requirement governing solid
4 waste incineration, under Section 129 of the Clean Air Act.

5 (8) Any standard or other requirement for consumer and
6 commercial products, under Section 183(e) of the Clean Air
7 Act.

8 (9) Any standard or other requirement for tank vessels,
9 under Section 183(f) of the Clean Air Act.

10 (10) Any standard or other requirement of the program
11 to control air pollution from Outer Continental Shelf
12 sources, under Section 328 of the Clean Air Act.

13 (11) Any standard or other requirement of the
14 regulations promulgated to protect stratospheric ozone
15 under Title VI of the Clean Air Act, unless USEPA has
16 determined that such requirements need not be contained in
17 a Title V permit.

18 (12) Any national ambient air quality standard or
19 increment or visibility requirement under Part C of Title I
20 of the Clean Air Act, but only as it would apply to
21 temporary sources permitted pursuant to Section 504(e) of
22 the Clean Air Act.

23 "Applicable requirement" means all applicable Clean Air
24 Act requirements and any other standard, limitation, or other
25 requirement contained in this Act or regulations promulgated
26 under this Act as applicable to sources of air contaminants
27 (including requirements that have future effective compliance
28 dates).

29 "CAAPP" means the Clean Air Act Permit Program, developed
30 pursuant to Title V of the Clean Air Act.

31 "CAAPP application" means an application for a CAAPP
32 permit.

33 "CAAPP Permit" or "permit" (unless the context suggests
34 otherwise) means any permit issued, renewed, amended, modified
35 or revised pursuant to Title V of the Clean Air Act.

36 "CAAPP source" means any source for which the owner or

1 operator is required to obtain a CAAPP permit pursuant to
2 subsection 2 of this Section.

3 "Clean Air Act" means the Clean Air Act, as now and
4 hereafter amended, 42 U.S.C. 7401, et seq.

5 "Designated representative" shall have the meaning given
6 to it in Section 402(26) of the Clean Air Act and the
7 regulations promulgated thereunder which states that the term
8 'designated representative' shall mean a responsible person or
9 official authorized by the owner or operator of a unit to
10 represent the owner or operator in all matters pertaining to
11 the holding, transfer, or disposition of allowances allocated
12 to a unit, and the submission of and compliance with permits,
13 permit applications, and compliance plans for the unit.

14 "Draft CAAPP permit" means the version of a CAAPP permit
15 for which public notice and an opportunity for public comment
16 and hearing is offered by the Agency.

17 "Effective date of the CAAPP" means the date that USEPA
18 approves Illinois' CAAPP.

19 "Emission unit" means any part or activity of a stationary
20 source that emits or has the potential to emit any air
21 pollutant. This term is not meant to alter or affect the
22 definition of the term "unit" for purposes of Title IV of the
23 Clean Air Act.

24 "Federally enforceable" means enforceable by USEPA.

25 "Final permit action" means the Agency's granting with
26 conditions, refusal to grant, renewal of, or revision of a
27 CAAPP permit, the Agency's determination of incompleteness of a
28 submitted CAAPP application, or the Agency's failure to act on
29 an application for a permit, permit renewal, or permit revision
30 within the time specified in paragraph 5(j), subsection 13, or
31 subsection 14 of this Section.

32 "General permit" means a permit issued to cover numerous
33 similar sources in accordance with subsection 11 of this
34 Section.

35 "Major source" means a source for which emissions of one or
36 more air pollutants meet the criteria for major status pursuant

1 to paragraph 2(c) of this Section.

2 "Maximum achievable control technology" or "MACT" means
3 the maximum degree of reductions in emissions deemed achievable
4 under Section 112 of the Clean Air Act.

5 "Owner or operator" means any person who owns, leases,
6 operates, controls, or supervises a stationary source.

7 "Permit modification" means a revision to a CAAPP permit
8 that cannot be accomplished under the provisions for
9 administrative permit amendments under subsection 13 of this
10 Section.

11 "Permit revision" means a permit modification or
12 administrative permit amendment.

13 "Phase II" means the period of the national acid rain
14 program, established under Title IV of the Clean Air Act,
15 beginning January 1, 2000, and continuing thereafter.

16 "Phase II acid rain permit" means the portion of a CAAPP
17 permit issued, renewed, modified, or revised by the Agency
18 during Phase II for an affected source for acid deposition.

19 "Potential to emit" means the maximum capacity of a
20 stationary source to emit any air pollutant under its physical
21 and operational design. Any physical or operational limitation
22 on the capacity of a source to emit an air pollutant, including
23 air pollution control equipment and restrictions on hours of
24 operation or on the type or amount of material combusted,
25 stored, or processed, shall be treated as part of its design if
26 the limitation is enforceable by USEPA. This definition does
27 not alter or affect the use of this term for any other purposes
28 under the Clean Air Act, or the term "capacity factor" as used
29 in Title IV of the Clean Air Act or the regulations promulgated
30 thereunder.

31 "Preconstruction Permit" or "Construction Permit" means a
32 permit which is to be obtained prior to commencing or beginning
33 actual construction or modification of a source or emissions
34 unit.

35 "Proposed CAAPP permit" means the version of a CAAPP permit
36 that the Agency proposes to issue and forwards to USEPA for

1 review in compliance with applicable requirements of the Act
2 and regulations promulgated thereunder.

3 "Regulated air pollutant" means the following:

4 (1) Nitrogen oxides (NOx) or any volatile organic
5 compound.

6 (2) Any pollutant for which a national ambient air
7 quality standard has been promulgated.

8 (3) Any pollutant that is subject to any standard
9 promulgated under Section 111 of the Clean Air Act.

10 (4) Any Class I or II substance subject to a standard
11 promulgated under or established by Title VI of the Clean
12 Air Act.

13 (5) Any pollutant subject to a standard promulgated
14 under Section 112 or other requirements established under
15 Section 112 of the Clean Air Act, including Sections
16 112(g), (j) and (r).

17 (i) Any pollutant subject to requirements under
18 Section 112(j) of the Clean Air Act. Any pollutant
19 listed under Section 112(b) for which the subject
20 source would be major shall be considered to be
21 regulated 18 months after the date on which USEPA was
22 required to promulgate an applicable standard pursuant
23 to Section 112(e) of the Clean Air Act, if USEPA fails
24 to promulgate such standard.

25 (ii) Any pollutant for which the requirements of
26 Section 112(g)(2) of the Clean Air Act have been met,
27 but only with respect to the individual source subject
28 to Section 112(g)(2) requirement.

29 "Renewal" means the process by which a permit is reissued
30 at the end of its term.

31 "Responsible official" means one of the following:

32 (1) For a corporation: a president, secretary,
33 treasurer, or vice-president of the corporation in charge
34 of a principal business function, or any other person who
35 performs similar policy or decision-making functions for
36 the corporation, or a duly authorized representative of

1 such person if the representative is responsible for the
2 overall operation of one or more manufacturing,
3 production, or operating facilities applying for or
4 subject to a permit and either (i) the facilities employ
5 more than 250 persons or have gross annual sales or
6 expenditures exceeding \$25 million (in second quarter 1980
7 dollars), or (ii) the delegation of authority to such
8 representative is approved in advance by the Agency.

9 (2) For a partnership or sole proprietorship: a general
10 partner or the proprietor, respectively, or in the case of
11 a partnership in which all of the partners are
12 corporations, a duly authorized representative of the
13 partnership if the representative is responsible for the
14 overall operation of one or more manufacturing,
15 production, or operating facilities applying for or
16 subject to a permit and either (i) the facilities employ
17 more than 250 persons or have gross annual sales or
18 expenditures exceeding \$25 million (in second quarter 1980
19 dollars), or (ii) the delegation of authority to such
20 representative is approved in advance by the Agency.

21 (3) For a municipality, State, Federal, or other public
22 agency: either a principal executive officer or ranking
23 elected official. For the purposes of this part, a
24 principal executive officer of a Federal agency includes
25 the chief executive officer having responsibility for the
26 overall operations of a principal geographic unit of the
27 agency (e.g., a Regional Administrator of USEPA).

28 (4) For affected sources for acid deposition:

29 (i) The designated representative shall be the
30 "responsible official" in so far as actions,
31 standards, requirements, or prohibitions under Title
32 IV of the Clean Air Act or the regulations promulgated
33 thereunder are concerned.

34 (ii) The designated representative may also be the
35 "responsible official" for any other purposes with
36 respect to air pollution control.

1 "Section 502(b)(10) changes" means changes that contravene
2 express permit terms. "Section 502(b)(10) changes" do not
3 include changes that would violate applicable requirements or
4 contravene federally enforceable permit terms or conditions
5 that are monitoring (including test methods), recordkeeping,
6 reporting, or compliance certification requirements.

7 "Solid waste incineration unit" means a distinct operating
8 unit of any facility which combusts any solid waste material
9 from commercial or industrial establishments or the general
10 public (including single and multiple residences, hotels, and
11 motels). The term does not include incinerators or other units
12 required to have a permit under Section 3005 of the Solid Waste
13 Disposal Act. The term also does not include (A) materials
14 recovery facilities (including primary or secondary smelters)
15 which combust waste for the primary purpose of recovering
16 metals, (B) qualifying small power production facilities, as
17 defined in Section 3(17)(C) of the Federal Power Act (16 U.S.C.
18 769(17)(C)), or qualifying cogeneration facilities, as defined
19 in Section 3(18)(B) of the Federal Power Act (16 U.S.C.
20 796(18)(B)), which burn homogeneous waste (such as units which
21 burn tires or used oil, but not including refuse-derived fuel)
22 for the production of electric energy or in the case of
23 qualifying cogeneration facilities which burn homogeneous
24 waste for the production of electric energy and steam or forms
25 of useful energy (such as heat) which are used for industrial,
26 commercial, heating or cooling purposes, or (C) air curtain
27 incinerators provided that such incinerators only burn wood
28 wastes, yard waste and clean lumber and that such air curtain
29 incinerators comply with opacity limitations to be established
30 by the USEPA by rule.

31 "Source" means any stationary source (or any group of
32 stationary sources) that are located on one or more contiguous
33 or adjacent properties that are under common control of the
34 same person (or persons under common control) and that belongs
35 to a single major industrial grouping. For the purposes of
36 defining "source," a stationary source or group of stationary

1 sources shall be considered part of a single major industrial
2 grouping if all of the pollutant emitting activities at such
3 source or group of sources located on contiguous or adjacent
4 properties and under common control belong to the same Major
5 Group (i.e., all have the same two-digit code) as described in
6 the Standard Industrial Classification Manual, 1987, or such
7 pollutant emitting activities at a stationary source (or group
8 of stationary sources) located on contiguous or adjacent
9 properties and under common control constitute a support
10 facility. The determination as to whether any group of
11 stationary sources are located on contiguous or adjacent
12 properties, and/or are under common control, and/or whether the
13 pollutant emitting activities at such group of stationary
14 sources constitute a support facility shall be made on a case
15 by case basis.

16 "Stationary source" means any building, structure,
17 facility, or installation that emits or may emit any regulated
18 air pollutant or any pollutant listed under Section 112(b) of
19 the Clean Air Act.

20 "Support facility" means any stationary source (or group of
21 stationary sources) that conveys, stores, or otherwise assists
22 to a significant extent in the production of a principal
23 product at another stationary source (or group of stationary
24 sources). A support facility shall be considered to be part of
25 the same source as the stationary source (or group of
26 stationary sources) that it supports regardless of the 2-digit
27 Standard Industrial Classification code for the support
28 facility.

29 "USEPA" means the Administrator of the United States
30 Environmental Protection Agency (USEPA) or a person designated
31 by the Administrator.

32 1.1. Exclusion From the CAAPP.

33 a. An owner or operator of a source which determines
34 that the source could be excluded from the CAAPP may seek
35 such exclusion prior to the date that the CAAPP application

1 for the source is due but in no case later than 9 months
2 after the effective date of the CAAPP through the
3 imposition of federally enforceable conditions limiting
4 the "potential to emit" of the source to a level below the
5 major source threshold for that source as described in
6 paragraph 2(c) of this Section, within a State operating
7 permit issued pursuant to Section 39(a) of this Act. After
8 such date, an exclusion from the CAAPP may be sought under
9 paragraph 3(c) of this Section.

10 b. An owner or operator of a source seeking exclusion
11 from the CAAPP pursuant to paragraph (a) of this subsection
12 must submit a permit application consistent with the
13 existing State permit program which specifically requests
14 such exclusion through the imposition of such federally
15 enforceable conditions.

16 c. Upon such request, if the Agency determines that the
17 owner or operator of a source has met the requirements for
18 exclusion pursuant to paragraph (a) of this subsection and
19 other applicable requirements for permit issuance under
20 Section 39(a) of this Act, the Agency shall issue a State
21 operating permit for such source under Section 39(a) of
22 this Act, as amended, and regulations promulgated
23 thereunder with federally enforceable conditions limiting
24 the "potential to emit" of the source to a level below the
25 major source threshold for that source as described in
26 paragraph 2(c) of this Section.

27 d. The Agency shall provide an owner or operator of a
28 source which may be excluded from the CAAPP pursuant to
29 this subsection with reasonable notice that the owner or
30 operator may seek such exclusion.

31 e. The Agency shall provide such sources with the
32 necessary permit application forms.

33 2. Applicability.

34 a. Sources subject to this Section shall include:

35 i. Any major source as defined in paragraph (c) of

1 this subsection.

2 ii. Any source subject to a standard or other
3 requirements promulgated under Section 111 (New Source
4 Performance Standards) or Section 112 (Hazardous Air
5 Pollutants) of the Clean Air Act, except that a source
6 is not required to obtain a permit solely because it is
7 subject to regulations or requirements under Section
8 112(r) of the Clean Air Act.

9 iii. Any affected source for acid deposition, as
10 defined in subsection 1 of this Section.

11 iv. Any other source subject to this Section under
12 the Clean Air Act or regulations promulgated
13 thereunder, or applicable Board regulations.

14 b. Sources exempted from this Section shall include:

15 i. All sources listed in paragraph (a) of this
16 subsection which are not major sources, affected
17 sources for acid deposition or solid waste
18 incineration units required to obtain a permit
19 pursuant to Section 129(e) of the Clean Air Act, until
20 the source is required to obtain a CAAPP permit
21 pursuant to the Clean Air Act or regulations
22 promulgated thereunder.

23 ii. Nonmajor sources subject to a standard or other
24 requirements subsequently promulgated by USEPA under
25 Section 111 or 112 of the Clean Air Act which are
26 determined by USEPA to be exempt at the time a new
27 standard is promulgated.

28 iii. All sources and source categories that would
29 be required to obtain a permit solely because they are
30 subject to Part 60, Subpart AAA - Standards of
31 Performance for New Residential Wood Heaters (40 CFR
32 Part 60).

33 iv. All sources and source categories that would be
34 required to obtain a permit solely because they are
35 subject to Part 61, Subpart M - National Emission
36 Standard for Hazardous Air Pollutants for Asbestos,

1 Section 61.145 (40 CFR Part 61).

2 v. Any other source categories exempted by USEPA
3 regulations pursuant to Section 502(a) of the Clean Air
4 Act.

5 c. For purposes of this Section the term "major source"
6 means any source that is:

7 i. A major source under Section 112 of the Clean
8 Air Act, which is defined as:

9 A. For pollutants other than radionuclides,
10 any stationary source or group of stationary
11 sources located within a contiguous area and under
12 common control that emits or has the potential to
13 emit, in the aggregate, 10 tons per year (tpy) or
14 more of any hazardous air pollutant which has been
15 listed pursuant to Section 112(b) of the Clean Air
16 Act, 25 tpy or more of any combination of such
17 hazardous air pollutants, or such lesser quantity
18 as USEPA may establish by rule. Notwithstanding
19 the preceding sentence, emissions from any oil or
20 gas exploration or production well (with its
21 associated equipment) and emissions from any
22 pipeline compressor or pump station shall not be
23 aggregated with emissions from other similar
24 units, whether or not such units are in a
25 contiguous area or under common control, to
26 determine whether such stations are major sources.

27 B. For radionuclides, "major source" shall
28 have the meaning specified by the USEPA by rule.

29 ii. A major stationary source of air pollutants, as
30 defined in Section 302 of the Clean Air Act, that
31 directly emits or has the potential to emit, 100 tpy or
32 more of any air pollutant (including any major source
33 of fugitive emissions of any such pollutant, as
34 determined by rule by USEPA). For purposes of this
35 subsection, "fugitive emissions" means those emissions
36 which could not reasonably pass through a stack,

1 chimney, vent, or other functionally-equivalent
2 opening. The fugitive emissions of a stationary source
3 shall not be considered in determining whether it is a
4 major stationary source for the purposes of Section
5 302(j) of the Clean Air Act, unless the source belongs
6 to one of the following categories of stationary
7 source:

- 8 A. Coal cleaning plants (with thermal dryers).
- 9 B. Kraft pulp mills.
- 10 C. Portland cement plants.
- 11 D. Primary zinc smelters.
- 12 E. Iron and steel mills.
- 13 F. Primary aluminum ore reduction plants.
- 14 G. Primary copper smelters.
- 15 H. Municipal incinerators capable of charging
16 more than 250 tons of refuse per day.
- 17 I. Hydrofluoric, sulfuric, or nitric acid
18 plants.
- 19 J. Petroleum refineries.
- 20 K. Lime plants.
- 21 L. Phosphate rock processing plants.
- 22 M. Coke oven batteries.
- 23 N. Sulfur recovery plants.
- 24 O. Carbon black plants (furnace process).
- 25 P. Primary lead smelters.
- 26 Q. Fuel conversion plants.
- 27 R. Sintering plants.
- 28 S. Secondary metal production plants.
- 29 T. Chemical process plants.
- 30 U. Fossil-fuel boilers (or combination
31 thereof) totaling more than 250 million British
32 thermal units per hour heat input.
- 33 V. Petroleum storage and transfer units with a
34 total storage capacity exceeding 300,000 barrels.
- 35 W. Taconite ore processing plants.
- 36 X. Glass fiber processing plants.

1 Y. Charcoal production plants.

2 Z. Fossil fuel-fired steam electric plants of
3 more than 250 million British thermal units per
4 hour heat input.

5 AA. All other stationary source categories,
6 which as of August 7, 1980 are being regulated by a
7 standard promulgated under Section 111 or 112 of
8 the Clean Air Act.

9 BB. Any other stationary source category
10 designated by USEPA by rule.

11 iii. A major stationary source as defined in part D
12 of Title I of the Clean Air Act including:

13 A. For ozone nonattainment areas, sources with
14 the potential to emit 100 tons or more per year of
15 volatile organic compounds or oxides of nitrogen
16 in areas classified as "marginal" or "moderate",
17 50 tons or more per year in areas classified as
18 "serious", 25 tons or more per year in areas
19 classified as "severe", and 10 tons or more per
20 year in areas classified as "extreme"; except that
21 the references in this clause to 100, 50, 25, and
22 10 tons per year of nitrogen oxides shall not apply
23 with respect to any source for which USEPA has made
24 a finding, under Section 182(f)(1) or (2) of the
25 Clean Air Act, that requirements otherwise
26 applicable to such source under Section 182(f) of
27 the Clean Air Act do not apply. Such sources shall
28 remain subject to the major source criteria of
29 paragraph 2(c)(ii) of this subsection.

30 B. For ozone transport regions established
31 pursuant to Section 184 of the Clean Air Act,
32 sources with the potential to emit 50 tons or more
33 per year of volatile organic compounds (VOCs).

34 C. For carbon monoxide nonattainment areas (1)
35 that are classified as "serious", and (2) in which
36 stationary sources contribute significantly to

1 carbon monoxide levels as determined under rules
2 issued by USEPA, sources with the potential to emit
3 50 tons or more per year of carbon monoxide.

4 D. For particulate matter (PM-10)
5 nonattainment areas classified as "serious",
6 sources with the potential to emit 70 tons or more
7 per year of PM-10.

8 3. Agency Authority To Issue CAAPP Permits and Federally
9 Enforceable State Operating Permits.

10 a. The Agency shall issue CAAPP permits under this
11 Section consistent with the Clean Air Act and regulations
12 promulgated thereunder and this Act and regulations
13 promulgated thereunder.

14 b. The Agency shall issue CAAPP permits for fixed terms
15 of 5 years, except CAAPP permits issued for solid waste
16 incineration units combusting municipal waste which shall
17 be issued for fixed terms of 12 years and except CAAPP
18 permits for affected sources for acid deposition which
19 shall be issued for initial terms to expire on December 31,
20 1999, and for fixed terms of 5 years thereafter.

21 c. The Agency shall have the authority to issue a State
22 operating permit for a source under Section 39(a) of this
23 Act, as amended, and regulations promulgated thereunder,
24 which includes federally enforceable conditions limiting
25 the "potential to emit" of the source to a level below the
26 major source threshold for that source as described in
27 paragraph 2(c) of this Section, thereby excluding the
28 source from the CAAPP, when requested by the applicant
29 pursuant to paragraph 5(u) of this Section. The public
30 notice requirements of this Section applicable to CAAPP
31 permits shall also apply to the initial issuance of permits
32 under this paragraph.

33 d. For purposes of this Act, a permit issued by USEPA
34 under Section 505 of the Clean Air Act, as now and
35 hereafter amended, shall be deemed to be a permit issued by

1 the Agency pursuant to Section 39.5 of this Act.

2 4. Transition.

3 a. An owner or operator of a CAAPP source shall not be
4 required to renew an existing State operating permit for
5 any emission unit at such CAAPP source once a CAAPP
6 application timely submitted prior to expiration of the
7 State operating permit has been deemed complete. For
8 purposes other than permit renewal, the obligation upon the
9 owner or operator of a CAAPP source to obtain a State
10 operating permit is not removed upon submittal of the
11 complete CAAPP permit application. An owner or operator of
12 a CAAPP source seeking to make a modification to a source
13 prior to the issuance of its CAAPP permit shall be required
14 to obtain a construction and/or operating permit as
15 required for such modification in accordance with the State
16 permit program under Section 39(a) of this Act, as amended,
17 and regulations promulgated thereunder. The application
18 for such construction and/or operating permit shall be
19 considered an amendment to the CAAPP application submitted
20 for such source.

21 b. An owner or operator of a CAAPP source shall
22 continue to operate in accordance with the terms and
23 conditions of its applicable State operating permit
24 notwithstanding the expiration of the State operating
25 permit until the source's CAAPP permit has been issued.

26 c. An owner or operator of a CAAPP source shall submit
27 its initial CAAPP application to the Agency no later than
28 12 months after the effective date of the CAAPP. The Agency
29 may request submittal of initial CAAPP applications during
30 this 12 month period according to a schedule set forth
31 within Agency procedures, however, in no event shall the
32 Agency require such submittal earlier than 3 months after
33 such effective date of the CAAPP. An owner or operator may
34 voluntarily submit its initial CAAPP application prior to
35 the date required within this paragraph or applicable

1 procedures, if any, subsequent to the date the Agency
2 submits the CAAPP to USEPA for approval.

3 d. The Agency shall act on initial CAAPP applications
4 in accordance with subsection 5(j) of this Section.

5 e. For purposes of this Section, the term "initial
6 CAAPP application" shall mean the first CAAPP application
7 submitted for a source existing as of the effective date of
8 the CAAPP.

9 f. The Agency shall provide owners or operators of
10 CAAPP sources with at least three months advance notice of
11 the date on which their applications are required to be
12 submitted. In determining which sources shall be subject to
13 early submittal, the Agency shall include among its
14 considerations the complexity of the permit application,
15 and the burden that such early submittal will have on the
16 source.

17 g. The CAAPP permit shall upon becoming effective
18 supersede the State operating permit.

19 h. The Agency shall have the authority to adopt
20 procedural rules, in accordance with the Illinois
21 Administrative Procedure Act, as the Agency deems
22 necessary, to implement this subsection.

23 5. Applications and Completeness.

24 a. An owner or operator of a CAAPP source shall submit
25 its complete CAAPP application consistent with the Act and
26 applicable regulations.

27 b. An owner or operator of a CAAPP source shall submit
28 a single complete CAAPP application covering all emission
29 units at that source.

30 c. To be deemed complete, a CAAPP application must
31 provide all information, as requested in Agency
32 application forms, sufficient to evaluate the subject
33 source and its application and to determine all applicable
34 requirements, pursuant to the Clean Air Act, and
35 regulations thereunder, this Act and regulations

1 thereunder. Such Agency application forms shall be
2 finalized and made available prior to the date on which any
3 CAAPP application is required.

4 d. An owner or operator of a CAAPP source shall submit,
5 as part of its complete CAAPP application, a compliance
6 plan, including a schedule of compliance, describing how
7 each emission unit will comply with all applicable
8 requirements. Any such schedule of compliance shall be
9 supplemental to, and shall not sanction noncompliance
10 with, the applicable requirements on which it is based.

11 e. Each submitted CAAPP application shall be certified
12 for truth, accuracy, and completeness by a responsible
13 official in accordance with applicable regulations.

14 f. The Agency shall provide notice to a CAAPP applicant
15 as to whether a submitted CAAPP application is complete.
16 Unless the Agency notifies the applicant of
17 incompleteness, within 60 days of receipt of the CAAPP
18 application, the application shall be deemed complete. The
19 Agency may request additional information as needed to make
20 the completeness determination. The Agency may to the
21 extent practicable provide the applicant with a reasonable
22 opportunity to correct deficiencies prior to a final
23 determination of completeness.

24 g. If after the determination of completeness the
25 Agency finds that additional information is necessary to
26 evaluate or take final action on the CAAPP application, the
27 Agency may request in writing such information from the
28 source with a reasonable deadline for response.

29 h. If the owner or operator of a CAAPP source submits a
30 timely and complete CAAPP application, the source's
31 failure to have a CAAPP permit shall not be a violation of
32 this Section until the Agency takes final action on the
33 submitted CAAPP application, provided, however, where the
34 applicant fails to submit the requested information under
35 paragraph 5(g) within the time frame specified by the
36 Agency, this protection shall cease to apply.

1 i. Any applicant who fails to submit any relevant facts
2 necessary to evaluate the subject source and its CAAPP
3 application or who has submitted incorrect information in a
4 CAAPP application shall, upon becoming aware of such
5 failure or incorrect submittal, submit supplementary facts
6 or correct information to the Agency. In addition, an
7 applicant shall provide to the Agency additional
8 information as necessary to address any requirements which
9 become applicable to the source subsequent to the date the
10 applicant submitted its complete CAAPP application but
11 prior to release of the draft CAAPP permit.

12 j. The Agency shall issue or deny the CAAPP permit
13 within 18 months after the date of receipt of the complete
14 CAAPP application, with the following exceptions: (i)
15 permits for affected sources for acid deposition shall be
16 issued or denied within 6 months after receipt of a
17 complete application in accordance with subsection 17 of
18 this Section; (ii) the Agency shall act on initial CAAPP
19 applications within 24 months after the date of receipt of
20 the complete CAAPP application; (iii) the Agency shall act
21 on complete applications containing early reduction
22 demonstrations under Section 112(i) (5) of the Clean Air Act
23 within 9 months of receipt of the complete CAAPP
24 application.

25 Where the Agency does not take final action on the
26 permit within the required time period, the permit shall
27 not be deemed issued; rather, the failure to act shall be
28 treated as a final permit action for purposes of judicial
29 review pursuant to Sections 40.2 and 41 of this Act.

30 k. The submittal of a complete CAAPP application shall
31 not affect the requirement that any source have a
32 preconstruction permit under Title I of the Clean Air Act.

33 l. Unless a timely and complete renewal application has
34 been submitted consistent with this subsection, a CAAPP
35 source operating upon the expiration of its CAAPP permit
36 shall be deemed to be operating without a CAAPP permit.

1 Such operation is prohibited under this Act.

2 m. Permits being renewed shall be subject to the same
3 procedural requirements, including those for public
4 participation and federal review and objection, that apply
5 to original permit issuance.

6 n. For purposes of permit renewal, a timely application
7 is one that is submitted no less than 9 months prior to the
8 date of permit expiration.

9 o. The terms and conditions of a CAAPP permit shall
10 remain in effect until the issuance of a CAAPP renewal
11 permit provided a timely and complete CAAPP application has
12 been submitted.

13 p. The owner or operator of a CAAPP source seeking a
14 permit shield pursuant to paragraph 7(j) of this Section
15 shall request such permit shield in the CAAPP application
16 regarding that source.

17 q. The Agency shall make available to the public all
18 documents submitted by the applicant to the Agency,
19 including each CAAPP application, compliance plan
20 (including the schedule of compliance), and emissions or
21 compliance monitoring report, with the exception of
22 information entitled to confidential treatment pursuant to
23 Section 7 of this Act.

24 r. The Agency shall use the standardized forms required
25 under Title IV of the Clean Air Act and regulations
26 promulgated thereunder for affected sources for acid
27 deposition.

28 s. An owner or operator of a CAAPP source may include
29 within its CAAPP application a request for permission to
30 operate during a startup, malfunction, or breakdown
31 consistent with applicable Board regulations.

32 t. An owner or operator of a CAAPP source, in order to
33 utilize the operational flexibility provided under
34 paragraph 7(l) of this Section, must request such use and
35 provide the necessary information within its CAAPP
36 application.

1 u. An owner or operator of a CAAPP source which seeks
2 exclusion from the CAAPP through the imposition of
3 federally enforceable conditions, pursuant to paragraph
4 3(c) of this Section, must request such exclusion within a
5 CAAPP application submitted consistent with this
6 subsection on or after the date that the CAAPP application
7 for the source is due. Prior to such date, but in no case
8 later than 9 months after the effective date of the CAAPP,
9 such owner or operator may request the imposition of
10 federally enforceable conditions pursuant to paragraph
11 1.1(b) of this Section.

12 v. CAAPP applications shall contain accurate
13 information on allowable emissions to implement the fee
14 provisions of subsection 18 of this Section.

15 w. An owner or operator of a CAAPP source shall submit
16 within its CAAPP application emissions information
17 regarding all regulated air pollutants emitted at that
18 source consistent with applicable Agency procedures.
19 Emissions information regarding insignificant activities
20 or emission levels, as determined by the Agency pursuant to
21 Board regulations, may be submitted as a list within the
22 CAAPP application. The Agency shall propose regulations to
23 the Board defining insignificant activities or emission
24 levels, consistent with federal regulations, if any, no
25 later than 18 months after the effective date of this
26 amendatory Act of 1992, consistent with Section 112(n)(1)
27 of the Clean Air Act. The Board shall adopt final
28 regulations defining insignificant activities or emission
29 levels no later than 9 months after the date of the
30 Agency's proposal.

31 x. The owner or operator of a new CAAPP source shall
32 submit its complete CAAPP application consistent with this
33 subsection within 12 months after commencing operation of
34 such source. The owner or operator of an existing source
35 that has been excluded from the provisions of this Section
36 under subsection 1.1 or subsection 3(c) of this Section and

1 that becomes subject to the CAAPP solely due to a change in
2 operation at the source shall submit its complete CAAPP
3 application consistent with this subsection at least 180
4 days before commencing operation in accordance with the
5 change in operation.

6 y. The Agency shall have the authority to adopt
7 procedural rules, in accordance with the Illinois
8 Administrative Procedure Act, as the Agency deems
9 necessary to implement this subsection.

10 6. Prohibitions.

11 a. It shall be unlawful for any person to violate any
12 terms or conditions of a permit issued under this Section,
13 to operate any CAAPP source except in compliance with a
14 permit issued by the Agency under this Section or to
15 violate any other applicable requirements. All terms and
16 conditions of a permit issued under this Section are
17 enforceable by USEPA and citizens under the Clean Air Act,
18 except those, if any, that are specifically designated as
19 not being federally enforceable in the permit pursuant to
20 paragraph 7(m) of this Section.

21 b. After the applicable CAAPP permit or renewal
22 application submittal date, as specified in subsection 5 of
23 this Section, no person shall operate a CAAPP source
24 without a CAAPP permit unless the complete CAAPP permit or
25 renewal application for such source has been timely
26 submitted to the Agency.

27 c. No owner or operator of a CAAPP source shall cause
28 or threaten or allow the continued operation of an emission
29 source during malfunction or breakdown of the emission
30 source or related air pollution control equipment if such
31 operation would cause a violation of the standards or
32 limitations applicable to the source, unless the CAAPP
33 permit granted to the source provides for such operation
34 consistent with this Act and applicable Board regulations.

1 7. Permit Content.

2 a. All CAAPP permits shall contain emission
3 limitations and standards and other enforceable terms and
4 conditions, including but not limited to operational
5 requirements, and schedules for achieving compliance at
6 the earliest reasonable date, which are or will be required
7 to accomplish the purposes and provisions of this Act and
8 to assure compliance with all applicable requirements.

9 b. The Agency shall include among such conditions
10 applicable monitoring, reporting, record keeping and
11 compliance certification requirements, as authorized by
12 paragraphs d, e, and f of this subsection, that the Agency
13 deems necessary to assure compliance with the Clean Air
14 Act, the regulations promulgated thereunder, this Act, and
15 applicable Board regulations. When monitoring, reporting,
16 record keeping, and compliance certification requirements
17 are specified within the Clean Air Act, regulations
18 promulgated thereunder, this Act, or applicable
19 regulations, such requirements shall be included within
20 the CAAPP permit. The Board shall have authority to
21 promulgate additional regulations where necessary to
22 accomplish the purposes of the Clean Air Act, this Act, and
23 regulations promulgated thereunder.

24 c. The Agency shall assure, within such conditions, the
25 use of terms, test methods, units, averaging periods, and
26 other statistical conventions consistent with the
27 applicable emission limitations, standards, and other
28 requirements contained in the permit.

29 d. To meet the requirements of this subsection with
30 respect to monitoring, the permit shall:

31 i. Incorporate and identify all applicable
32 emissions monitoring and analysis procedures or test
33 methods required under the Clean Air Act, regulations
34 promulgated thereunder, this Act, and applicable Board
35 regulations, including any procedures and methods
36 promulgated by USEPA pursuant to Section 504(b) or

1 Section 114 (a) (3) of the Clean Air Act.

2 ii. Where the applicable requirement does not
3 require periodic testing or instrumental or
4 noninstrumental monitoring (which may consist of
5 recordkeeping designed to serve as monitoring),
6 require periodic monitoring sufficient to yield
7 reliable data from the relevant time period that is
8 representative of the source's compliance with the
9 permit, as reported pursuant to paragraph (f) of this
10 subsection. The Agency may determine that
11 recordkeeping requirements are sufficient to meet the
12 requirements of this subparagraph.

13 iii. As necessary, specify requirements concerning
14 the use, maintenance, and when appropriate,
15 installation of monitoring equipment or methods.

16 e. To meet the requirements of this subsection with
17 respect to record keeping, the permit shall incorporate and
18 identify all applicable recordkeeping requirements and
19 require, where applicable, the following:

20 i. Records of required monitoring information that
21 include the following:

22 A. The date, place and time of sampling or
23 measurements.

24 B. The date(s) analyses were performed.

25 C. The company or entity that performed the
26 analyses.

27 D. The analytical techniques or methods used.

28 E. The results of such analyses.

29 F. The operating conditions as existing at the
30 time of sampling or measurement.

31 ii. Retention of records of all monitoring data
32 and support information for a period of at least 5
33 years from the date of the monitoring sample,
34 measurement, report, or application. Support
35 information includes all calibration and maintenance
36 records, original strip-chart recordings for

1 continuous monitoring instrumentation, and copies of
2 all reports required by the permit.

3 f. To meet the requirements of this subsection with
4 respect to reporting, the permit shall incorporate and
5 identify all applicable reporting requirements and require
6 the following:

7 i. Submittal of reports of any required monitoring
8 every 6 months. More frequent submittals may be
9 requested by the Agency if such submittals are
10 necessary to assure compliance with this Act or
11 regulations promulgated by the Board thereunder. All
12 instances of deviations from permit requirements must
13 be clearly identified in such reports. All required
14 reports must be certified by a responsible official
15 consistent with subsection 5 of this Section.

16 ii. Prompt reporting of deviations from permit
17 requirements, including those attributable to upset
18 conditions as defined in the permit, the probable cause
19 of such deviations, and any corrective actions or
20 preventive measures taken.

21 g. Each CAAPP permit issued under subsection 10 of this
22 Section shall include a condition prohibiting emissions
23 exceeding any allowances that the source lawfully holds
24 under Title IV of the Clean Air Act or the regulations
25 promulgated thereunder, consistent with subsection 17 of
26 this Section and applicable regulations, if any.

27 h. All CAAPP permits shall state that, where another
28 applicable requirement of the Clean Air Act is more
29 stringent than any applicable requirement of regulations
30 promulgated under Title IV of the Clean Air Act, both
31 provisions shall be incorporated into the permit and shall
32 be State and federally enforceable.

33 i. Each CAAPP permit issued under subsection 10 of this
34 Section shall include a severability clause to ensure the
35 continued validity of the various permit requirements in
36 the event of a challenge to any portions of the permit.

1 j. The following shall apply with respect to owners or
2 operators requesting a permit shield:

3 i. The Agency shall include in a CAAPP permit, when
4 requested by an applicant pursuant to paragraph 5(p) of
5 this Section, a provision stating that compliance with
6 the conditions of the permit shall be deemed compliance
7 with applicable requirements which are applicable as
8 of the date of release of the proposed permit, provided
9 that:

10 A. The applicable requirement is specifically
11 identified within the permit; or

12 B. The Agency in acting on the CAAPP
13 application or revision determines in writing that
14 other requirements specifically identified are not
15 applicable to the source, and the permit includes
16 that determination or a concise summary thereof.

17 ii. The permit shall identify the requirements for
18 which the source is shielded. The shield shall not
19 extend to applicable requirements which are
20 promulgated after the date of release of the proposed
21 permit unless the permit has been modified to reflect
22 such new requirements.

23 iii. A CAAPP permit which does not expressly
24 indicate the existence of a permit shield shall not
25 provide such a shield.

26 iv. Nothing in this paragraph or in a CAAPP permit
27 shall alter or affect the following:

28 A. The provisions of Section 303 (emergency
29 powers) of the Clean Air Act, including USEPA's
30 authority under that section.

31 B. The liability of an owner or operator of a
32 source for any violation of applicable
33 requirements prior to or at the time of permit
34 issuance.

35 C. The applicable requirements of the acid
36 rain program consistent with Section 408(a) of the

1 Clean Air Act.

2 D. The ability of USEPA to obtain information
3 from a source pursuant to Section 114
4 (inspections, monitoring, and entry) of the Clean
5 Air Act.

6 k. Each CAAPP permit shall include an emergency
7 provision providing an affirmative defense of emergency to
8 an action brought for noncompliance with technology-based
9 emission limitations under a CAAPP permit if the following
10 conditions are met through properly signed,
11 contemporaneous operating logs, or other relevant
12 evidence:

13 i. An emergency occurred and the permittee can
14 identify the cause(s) of the emergency.

15 ii. The permitted facility was at the time being
16 properly operated.

17 iii. The permittee submitted notice of the
18 emergency to the Agency within 2 working days of the
19 time when emission limitations were exceeded due to the
20 emergency. This notice must contain a detailed
21 description of the emergency, any steps taken to
22 mitigate emissions, and corrective actions taken.

23 iv. During the period of the emergency the
24 permittee took all reasonable steps to minimize levels
25 of emissions that exceeded the emission limitations,
26 standards, or requirements in the permit.

27 For purposes of this subsection, "emergency" means any
28 situation arising from sudden and reasonably unforeseeable
29 events beyond the control of the source, such as an act of
30 God, that requires immediate corrective action to restore
31 normal operation, and that causes the source to exceed a
32 technology-based emission limitation under the permit, due
33 to unavoidable increases in emissions attributable to the
34 emergency. An emergency shall not include noncompliance to
35 the extent caused by improperly designed equipment, lack of
36 preventative maintenance, careless or improper operation,

1 or operation error.

2 In any enforcement proceeding, the permittee seeking
3 to establish the occurrence of an emergency has the burden
4 of proof. This provision is in addition to any emergency or
5 upset provision contained in any applicable requirement.
6 This provision does not relieve a permittee of any
7 reporting obligations under existing federal or state laws
8 or regulations.

9 1. The Agency shall include in each permit issued under
10 subsection 10 of this Section:

11 i. Terms and conditions for reasonably anticipated
12 operating scenarios identified by the source in its
13 application. The permit terms and conditions for each
14 such operating scenario shall meet all applicable
15 requirements and the requirements of this Section.

16 A. Under this subparagraph, the source must
17 record in a log at the permitted facility a record
18 of the scenario under which it is operating
19 contemporaneously with making a change from one
20 operating scenario to another.

21 B. The permit shield described in paragraph
22 7(j) of this Section shall extend to all terms and
23 conditions under each such operating scenario.

24 ii. Where requested by an applicant, all terms and
25 conditions allowing for trading of emissions increases
26 and decreases between different emission units at the
27 CAAPP source, to the extent that the applicable
28 requirements provide for trading of such emissions
29 increases and decreases without a case-by-case
30 approval of each emissions trade. Such terms and
31 conditions:

32 A. Shall include all terms required under this
33 subsection to determine compliance;

34 B. Must meet all applicable requirements;

35 C. Shall extend the permit shield described in
36 paragraph 7(j) of this Section to all terms and

1 conditions that allow such increases and decreases
2 in emissions.

3 m. The Agency shall specifically designate as not being
4 federally enforceable under the Clean Air Act any terms and
5 conditions included in the permit that are not specifically
6 required under the Clean Air Act or federal regulations
7 promulgated thereunder. Terms or conditions so designated
8 shall be subject to all applicable state requirements,
9 except the requirements of subsection 7 (other than this
10 paragraph, paragraph q of subsection 7, subsections 8
11 through 11, and subsections 13 through 16 of this Section.
12 The Agency shall, however, include such terms and
13 conditions in the CAAPP permit issued to the source.

14 n. Each CAAPP permit issued under subsection 10 of this
15 Section shall specify and reference the origin of and
16 authority for each term or condition, and identify any
17 difference in form as compared to the applicable
18 requirement upon which the term or condition is based.

19 o. Each CAAPP permit issued under subsection 10 of this
20 Section shall include provisions stating the following:

21 i. Duty to comply. The permittee must comply with
22 all terms and conditions of the CAAPP permit. Any
23 permit noncompliance constitutes a violation of the
24 Clean Air Act and the Act, and is grounds for any or
25 all of the following: enforcement action; permit
26 termination, revocation and reissuance, or
27 modification; or denial of a permit renewal
28 application.

29 ii. Need to halt or reduce activity not a defense.
30 It shall not be a defense for a permittee in an
31 enforcement action that it would have been necessary to
32 halt or reduce the permitted activity in order to
33 maintain compliance with the conditions of this
34 permit.

35 iii. Permit actions. The permit may be modified,
36 revoked, reopened, and reissued, or terminated for

1 cause in accordance with the applicable subsections of
2 Section 39.5 of this Act. The filing of a request by
3 the permittee for a permit modification, revocation
4 and reissuance, or termination, or of a notification of
5 planned changes or anticipated noncompliance does not
6 stay any permit condition.

7 iv. Property rights. The permit does not convey any
8 property rights of any sort, or any exclusive
9 privilege.

10 v. Duty to provide information. The permittee
11 shall furnish to the Agency within a reasonable time
12 specified by the Agency any information that the Agency
13 may request in writing to determine whether cause
14 exists for modifying, revoking and reissuing, or
15 terminating the permit or to determine compliance with
16 the permit. Upon request, the permittee shall also
17 furnish to the Agency copies of records required to be
18 kept by the permit or, for information claimed to be
19 confidential, the permittee may furnish such records
20 directly to USEPA along with a claim of
21 confidentiality.

22 vi. Duty to pay fees. The permittee must pay fees
23 to the Agency consistent with the fee schedule approved
24 pursuant to subsection 18 of this Section, and submit
25 any information relevant thereto.

26 vii. Emissions trading. No permit revision shall
27 be required for increases in emissions allowed under
28 any approved economic incentives, marketable permits,
29 emissions trading, and other similar programs or
30 processes for changes that are provided for in the
31 permit and that are authorized by the applicable
32 requirement.

33 p. Each CAAPP permit issued under subsection 10 of this
34 Section shall contain the following elements with respect
35 to compliance:

36 i. Compliance certification, testing, monitoring,

1 reporting, and record keeping requirements sufficient
2 to assure compliance with the terms and conditions of
3 the permit. Any document (including reports) required
4 by a CAAPP permit shall contain a certification by a
5 responsible official that meets the requirements of
6 subsection 5 of this Section and applicable
7 regulations.

8 ii. Inspection and entry requirements that
9 necessitate that, upon presentation of credentials and
10 other documents as may be required by law and in
11 accordance with constitutional limitations, the
12 permittee shall allow the Agency, or an authorized
13 representative to perform the following:

14 A. Enter upon the permittee's premises where a
15 CAAPP source is located or emissions-related
16 activity is conducted, or where records must be
17 kept under the conditions of the permit.

18 B. Have access to and copy, at reasonable
19 times, any records that must be kept under the
20 conditions of the permit.

21 C. Inspect at reasonable times any facilities,
22 equipment (including monitoring and air pollution
23 control equipment), practices, or operations
24 regulated or required under the permit.

25 D. Sample or monitor any substances or
26 parameters at any location:

27 1. As authorized by the Clean Air Act, at
28 reasonable times, for the purposes of assuring
29 compliance with the CAAPP permit or applicable
30 requirements; or

31 2. As otherwise authorized by this Act.

32 iii. A schedule of compliance consistent with
33 subsection 5 of this Section and applicable
34 regulations.

35 iv. Progress reports consistent with an applicable
36 schedule of compliance pursuant to paragraph 5(d) of

1 this Section and applicable regulations to be
2 submitted semiannually, or more frequently if the
3 Agency determines that such more frequent submittals
4 are necessary for compliance with the Act or
5 regulations promulgated by the Board thereunder. Such
6 progress reports shall contain the following:

7 A. Required dates for achieving the
8 activities, milestones, or compliance required by
9 the schedule of compliance and dates when such
10 activities, milestones or compliance were
11 achieved.

12 B. An explanation of why any dates in the
13 schedule of compliance were not or will not be met,
14 and any preventive or corrective measures adopted.

15 v. Requirements for compliance certification with
16 terms and conditions contained in the permit,
17 including emission limitations, standards, or work
18 practices. Permits shall include each of the
19 following:

20 A. The frequency (annually or more frequently
21 as specified in any applicable requirement or by
22 the Agency pursuant to written procedures) of
23 submissions of compliance certifications.

24 B. A means for assessing or monitoring the
25 compliance of the source with its emissions
26 limitations, standards, and work practices.

27 C. A requirement that the compliance
28 certification include the following:

29 1. The identification of each term or
30 condition contained in the permit that is the
31 basis of the certification.

32 2. The compliance status.

33 3. Whether compliance was continuous or
34 intermittent.

35 4. The method(s) used for determining the
36 compliance status of the source, both

1 currently and over the reporting period
2 consistent with subsection 7 of Section 39.5 of
3 the Act.

4 D. A requirement that all compliance
5 certifications be submitted to USEPA as well as to
6 the Agency.

7 E. Additional requirements as may be specified
8 pursuant to Sections 114(a)(3) and 504(b) of the
9 Clean Air Act.

10 F. Other provisions as the Agency may require.

11 q. If the owner or operator of CAAPP source can
12 demonstrate in its CAAPP application, including an
13 application for a significant modification, that an
14 alternative emission limit would be equivalent to that
15 contained in the applicable Board regulations, the Agency
16 shall include the alternative emission limit in the CAAPP
17 permit, which shall supersede the emission limit set forth
18 in the applicable Board regulations, and shall include
19 conditions that insure that the resulting emission limit is
20 quantifiable, accountable, enforceable, and based on
21 replicable procedures.

22 8. Public Notice; Affected State Review.

23 a. The Agency shall provide notice to the public,
24 including an opportunity for public comment and a hearing,
25 on each draft CAAPP permit for issuance, renewal or
26 significant modification, subject to Sections 7(a) and 7.1
27 of this Act.

28 b. The Agency shall prepare a draft CAAPP permit and a
29 statement that sets forth the legal and factual basis for
30 the draft CAAPP permit conditions, including references to
31 the applicable statutory or regulatory provisions. The
32 Agency shall provide this statement to any person who
33 requests it.

34 c. The Agency shall give notice of each draft CAAPP
35 permit to the applicant and to any affected State on or
36 before the time that the Agency has provided notice to the

1 public, except as otherwise provided in this Act.

2 d. The Agency, as part of its submittal of a proposed
3 permit to USEPA (or as soon as possible after the submittal
4 for minor permit modification procedures allowed under
5 subsection 14 of this Section), shall notify USEPA and any
6 affected State in writing of any refusal of the Agency to
7 accept all of the recommendations for the proposed permit
8 that an affected State submitted during the public or
9 affected State review period. The notice shall include the
10 Agency's reasons for not accepting the recommendations.
11 The Agency is not required to accept recommendations that
12 are not based on applicable requirements or the
13 requirements of this Section.

14 e. The Agency shall make available to the public any
15 CAAPP permit application, compliance plan (including the
16 schedule of compliance), CAAPP permit, and emissions or
17 compliance monitoring report. If an owner or operator of a
18 CAAPP source is required to submit information entitled to
19 protection from disclosure under Section 7(a) or Section
20 7.1 of this Act, the owner or operator shall submit such
21 information separately. The requirements of Section 7(a)
22 or Section 7.1 of this Act shall apply to such information,
23 which shall not be included in a CAAPP permit unless
24 required by law. The contents of a CAAPP permit shall not
25 be entitled to protection under Section 7(a) or Section 7.1
26 of this Act.

27 f. The Agency shall have the authority to adopt
28 procedural rules, in accordance with the Illinois
29 Administrative Procedure Act, as the Agency deems
30 necessary, to implement this subsection.

31 9. USEPA Notice and Objection.

32 a. The Agency shall provide to USEPA for its review a
33 copy of each CAAPP application (including any application
34 for permit modification), statement of basis as provided in
35 paragraph 8(b) of this Section, proposed CAAPP permit,

1 CAAPP permit, and, if the Agency does not incorporate any
2 affected State's recommendations on a proposed CAAPP
3 permit, a written statement of this decision and its
4 reasons for not accepting the recommendations, except as
5 otherwise provided in this Act or by agreement with USEPA.
6 To the extent practicable, the preceding information shall
7 be provided in computer readable format compatible with
8 USEPA's national database management system.

9 b. The Agency shall not issue the proposed CAAPP permit
10 if USEPA objects in writing within 45 days of receipt of
11 the proposed CAAPP permit and all necessary supporting
12 information.

13 c. If USEPA objects in writing to the issuance of the
14 proposed CAAPP permit within the 45-day period, the Agency
15 shall respond in writing and may revise and resubmit the
16 proposed CAAPP permit in response to the stated objection,
17 to the extent supported by the record, within 90 days after
18 the date of the objection. Prior to submitting a revised
19 permit to USEPA, the Agency shall provide the applicant and
20 any person who participated in the public comment process,
21 pursuant to subsection 8 of this Section, with a 10-day
22 period to comment on any revision which the Agency is
23 proposing to make to the permit in response to USEPA's
24 objection in accordance with Agency procedures.

25 d. Any USEPA objection under this subsection,
26 according to the Clean Air Act, will include a statement of
27 reasons for the objection and a description of the terms
28 and conditions that must be in the permit, in order to
29 adequately respond to the objections. Grounds for a USEPA
30 objection include the failure of the Agency to: (1) submit
31 the items and notices required under this subsection; (2)
32 submit any other information necessary to adequately
33 review the proposed CAAPP permit; or (3) process the permit
34 under subsection 8 of this Section except for minor permit
35 modifications.

36 e. If USEPA does not object in writing to issuance of a

1 permit under this subsection, any person may petition USEPA
2 within 60 days after expiration of the 45-day review period
3 to make such objection.

4 f. If the permit has not yet been issued and USEPA
5 objects to the permit as a result of a petition, the Agency
6 shall not issue the permit until USEPA's objection has been
7 resolved. The Agency shall provide a 10-day comment period
8 in accordance with paragraph c of this subsection. A
9 petition does not, however, stay the effectiveness of a
10 permit or its requirements if the permit was issued after
11 expiration of the 45-day review period and prior to a USEPA
12 objection.

13 g. If the Agency has issued a permit after expiration
14 of the 45-day review period and prior to receipt of a USEPA
15 objection under this subsection in response to a petition
16 submitted pursuant to paragraph e of this subsection, the
17 Agency may, upon receipt of an objection from USEPA, revise
18 and resubmit the permit to USEPA pursuant to this
19 subsection after providing a 10-day comment period in
20 accordance with paragraph c of this subsection. If the
21 Agency fails to submit a revised permit in response to the
22 objection, USEPA shall modify, terminate or revoke the
23 permit. In any case, the source will not be in violation of
24 the requirement to have submitted a timely and complete
25 application.

26 h. The Agency shall have the authority to adopt
27 procedural rules, in accordance with the Illinois
28 Administrative Procedure Act, as the Agency deems
29 necessary, to implement this subsection.

30 10. Final Agency Action.

31 a. The Agency shall issue a CAAPP permit, permit
32 modification, or permit renewal if all of the following
33 conditions are met:

34 i. The applicant has submitted a complete and
35 certified application for a permit, permit

1 modification, or permit renewal consistent with
2 subsections 5 and 14 of this Section, as applicable,
3 and applicable regulations.

4 ii. The applicant has submitted with its complete
5 application an approvable compliance plan, including a
6 schedule for achieving compliance, consistent with
7 subsection 5 of this Section and applicable
8 regulations.

9 iii. The applicant has timely paid the fees
10 required pursuant to subsection 18 of this Section and
11 applicable regulations.

12 iv. The Agency has received a complete CAAPP
13 application and, if necessary, has requested and
14 received additional information from the applicant
15 consistent with subsection 5 of this Section and
16 applicable regulations.

17 v. The Agency has complied with all applicable
18 provisions regarding public notice and affected State
19 review consistent with subsection 8 of this Section and
20 applicable regulations.

21 vi. The Agency has provided a copy of each CAAPP
22 application, or summary thereof, pursuant to agreement
23 with USEPA and proposed CAAPP permit required under
24 subsection 9 of this Section to USEPA, and USEPA has
25 not objected to the issuance of the permit in
26 accordance with the Clean Air Act and 40 CFR Part 70.

27 b. The Agency shall have the authority to deny a CAAPP
28 permit, permit modification, or permit renewal if the
29 applicant has not complied with the requirements of
30 paragraphs (a)(i)-(a)(iv) of this subsection or if USEPA
31 objects to its issuance.

32 c. i. Prior to denial of a CAAPP permit, permit
33 modification, or permit renewal under this Section,
34 the Agency shall notify the applicant of the possible
35 denial and the reasons for the denial.

36 ii. Within such notice, the Agency shall specify an

1 appropriate date by which the applicant shall
2 adequately respond to the Agency's notice. Such date
3 shall not exceed 15 days from the date the notification
4 is received by the applicant. The Agency may grant a
5 reasonable extension for good cause shown.

6 iii. Failure by the applicant to adequately
7 respond by the date specified in the notification or by
8 any granted extension date shall be grounds for denial
9 of the permit.

10 For purposes of obtaining judicial review under
11 Sections 40.2 and 41 of this Act, the Agency shall
12 provide to USEPA and each applicant, and, upon request,
13 to affected States, any person who participated in the
14 public comment process, and any other person who could
15 obtain judicial review under Sections 40.2 and 41 of
16 this Act, a copy of each CAAPP permit or notification
17 of denial pertaining to that party.

18 d. The Agency shall have the authority to adopt
19 procedural rules, in accordance with the Illinois
20 Administrative Procedure Act, as the Agency deems
21 necessary, to implement this subsection.

22 11. General Permits.

23 a. The Agency may issue a general permit covering
24 numerous similar sources, except for affected sources for
25 acid deposition unless otherwise provided in regulations
26 promulgated under Title IV of the Clean Air Act.

27 b. The Agency shall identify, in any general permit,
28 criteria by which sources may qualify for the general
29 permit.

30 c. CAAPP sources that would qualify for a general
31 permit must apply for coverage under the terms of the
32 general permit or must apply for a CAAPP permit consistent
33 with subsection 5 of this Section and applicable
34 regulations.

35 d. The Agency shall comply with the public comment and

1 hearing provisions of this Section as well as the USEPA and
2 affected State review procedures prior to issuance of a
3 general permit.

4 e. When granting a subsequent request by a qualifying
5 CAAPP source for coverage under the terms of a general
6 permit, the Agency shall not be required to repeat the
7 public notice and comment procedures. The granting of such
8 request shall not be considered a final permit action for
9 purposes of judicial review.

10 f. The Agency may not issue a general permit to cover
11 any discrete emission unit at a CAAPP source if another
12 CAAPP permit covers emission units at the source.

13 g. The Agency shall have the authority to adopt
14 procedural rules, in accordance with the Illinois
15 Administrative Procedure Act, as the Agency deems
16 necessary, to implement this subsection.

17 12. Operational Flexibility.

18 a. An owner or operator of a CAAPP source may make
19 changes at the CAAPP source without requiring a prior
20 permit revision, consistent with subparagraphs (a) (i)
21 through (a) (iii) of this subsection, so long as the
22 changes are not modifications under any provision of Title
23 I of the Clean Air Act and they do not exceed the emissions
24 allowable under the permit (whether expressed therein as a
25 rate of emissions or in terms of total emissions), provided
26 that the owner or operator of the CAAPP source provides
27 USEPA and the Agency with written notification as required
28 below in advance of the proposed changes, which shall be a
29 minimum of 7 days, unless otherwise provided by the Agency
30 in applicable regulations regarding emergencies. The owner
31 or operator of a CAAPP source and the Agency shall each
32 attach such notice to their copy of the relevant permit.

33 i. An owner or operator of a CAAPP source may make
34 Section 502 (b) (10) changes without a permit revision,
35 if the changes are not modifications under any

1 provision of Title I of the Clean Air Act and the
2 changes do not exceed the emissions allowable under the
3 permit (whether expressed therein as a rate of
4 emissions or in terms of total emissions).

5 A. For each such change, the written
6 notification required above shall include a brief
7 description of the change within the source, the
8 date on which the change will occur, any change in
9 emissions, and any permit term or condition that is
10 no longer applicable as a result of the change.

11 B. The permit shield described in paragraph
12 7(j) of this Section shall not apply to any change
13 made pursuant to this subparagraph.

14 ii. An owner or operator of a CAAPP source may
15 trade increases and decreases in emissions in the CAAPP
16 source, where the applicable implementation plan
17 provides for such emission trades without requiring a
18 permit revision. This provision is available in those
19 cases where the permit does not already provide for
20 such emissions trading.

21 A. Under this subparagraph (a)(ii), the
22 written notification required above shall include
23 such information as may be required by the
24 provision in the applicable implementation plan
25 authorizing the emissions trade, including at a
26 minimum, when the proposed changes will occur, a
27 description of each such change, any change in
28 emissions, the permit requirements with which the
29 source will comply using the emissions trading
30 provisions of the applicable implementation plan,
31 and the pollutants emitted subject to the
32 emissions trade. The notice shall also refer to the
33 provisions in the applicable implementation plan
34 with which the source will comply and provide for
35 the emissions trade.

36 B. The permit shield described in paragraph

1 7(j) of this Section shall not apply to any change
2 made pursuant to this subparagraph (a) (ii).
3 Compliance with the permit requirements that the
4 source will meet using the emissions trade shall be
5 determined according to the requirements of the
6 applicable implementation plan authorizing the
7 emissions trade.

8 iii. If requested within a CAAPP application, the
9 Agency shall issue a CAAPP permit which contains terms
10 and conditions, including all terms required under
11 subsection 7 of this Section to determine compliance,
12 allowing for the trading of emissions increases and
13 decreases at the CAAPP source solely for the purpose of
14 complying with a federally-enforceable emissions cap
15 that is established in the permit independent of
16 otherwise applicable requirements. The owner or
17 operator of a CAAPP source shall include in its CAAPP
18 application proposed replicable procedures and permit
19 terms that ensure the emissions trades are
20 quantifiable and enforceable. The permit shall also
21 require compliance with all applicable requirements.

22 A. Under this subparagraph (a)(iii), the
23 written notification required above shall state
24 when the change will occur and shall describe the
25 changes in emissions that will result and how these
26 increases and decreases in emissions will comply
27 with the terms and conditions of the permit.

28 B. The permit shield described in paragraph
29 7(j) of this Section shall extend to terms and
30 conditions that allow such increases and decreases
31 in emissions.

32 b. An owner or operator of a CAAPP source may make
33 changes that are not addressed or prohibited by the permit,
34 other than those which are subject to any requirements
35 under Title IV of the Clean Air Act or are modifications
36 under any provisions of Title I of the Clean Air Act,

1 without a permit revision, in accordance with the following
2 requirements:

3 (i) Each such change shall meet all applicable
4 requirements and shall not violate any existing permit
5 term or condition;

6 (ii) Sources must provide contemporaneous written
7 notice to the Agency and USEPA of each such change,
8 except for changes that qualify as insignificant under
9 provisions adopted by the Agency or the Board. Such
10 written notice shall describe each such change,
11 including the date, any change in emissions,
12 pollutants emitted, and any applicable requirement
13 that would apply as a result of the change;

14 (iii) The change shall not qualify for the shield
15 described in paragraph 7(j) of this Section; and

16 (iv) The permittee shall keep a record describing
17 changes made at the source that result in emissions of
18 a regulated air pollutant subject to an applicable
19 Clean Air Act requirement, but not otherwise regulated
20 under the permit, and the emissions resulting from
21 those changes.

22 c. The Agency shall have the authority to adopt
23 procedural rules, in accordance with the Illinois
24 Administrative Procedure Act, as the Agency deems
25 necessary to implement this subsection.

26 13. Administrative Permit Amendments.

27 a. The Agency shall take final action on a request for
28 an administrative permit amendment within 60 days of
29 receipt of the request. Neither notice nor an opportunity
30 for public and affected State comment shall be required for
31 the Agency to incorporate such revisions, provided it
32 designates the permit revisions as having been made
33 pursuant to this subsection.

34 b. The Agency shall submit a copy of the revised permit
35 to USEPA.

1 c. For purposes of this Section the term
2 "administrative permit amendment" shall be defined as a
3 permit revision that can accomplish one or more of the
4 changes described below:

5 i. Corrects typographical errors;

6 ii. Identifies a change in the name, address, or
7 phone number of any person identified in the permit, or
8 provides a similar minor administrative change at the
9 source;

10 iii. Requires more frequent monitoring or
11 reporting by the permittee;

12 iv. Allows for a change in ownership or operational
13 control of a source where the Agency determines that no
14 other change in the permit is necessary, provided that
15 a written agreement containing a specific date for
16 transfer of permit responsibility, coverage, and
17 liability between the current and new permittees has
18 been submitted to the Agency;

19 v. Incorporates into the CAAPP permit the
20 requirements from preconstruction review permits
21 authorized under a USEPA-approved program, provided
22 the program meets procedural and compliance
23 requirements substantially equivalent to those
24 contained in this Section;

25 vi. (Blank); or

26 vii. Any other type of change which USEPA has
27 determined as part of the approved CAAPP permit program
28 to be similar to those included in this subsection.

29 d. The Agency shall, upon taking final action granting
30 a request for an administrative permit amendment, allow
31 coverage by the permit shield in paragraph 7(j) of this
32 Section for administrative permit amendments made pursuant
33 to subparagraph (c)(v) of this subsection which meet the
34 relevant requirements for significant permit
35 modifications.

36 e. Permit revisions and modifications, including

1 administrative amendments and automatic amendments
2 (pursuant to Sections 408(b) and 403(d) of the Clean Air
3 Act or regulations promulgated thereunder), for purposes
4 of the acid rain portion of the permit shall be governed by
5 the regulations promulgated under Title IV of the Clean Air
6 Act. Owners or operators of affected sources for acid
7 deposition shall have the flexibility to amend their
8 compliance plans as provided in the regulations
9 promulgated under Title IV of the Clean Air Act.

10 f. The CAAPP source may implement the changes addressed
11 in the request for an administrative permit amendment
12 immediately upon submittal of the request.

13 g. The Agency shall have the authority to adopt
14 procedural rules, in accordance with the Illinois
15 Administrative Procedure Act, as the Agency deems
16 necessary, to implement this subsection.

17 14. Permit Modifications.

18 a. Minor permit modification procedures.

19 i. The Agency shall review a permit modification
20 using the "minor permit" modification procedures only
21 for those permit modifications that:

22 A. Do not violate any applicable requirement;

23 B. Do not involve significant changes to
24 existing monitoring, reporting, or recordkeeping
25 requirements in the permit;

26 C. Do not require a case-by-case determination
27 of an emission limitation or other standard, or a
28 source-specific determination of ambient impacts,
29 or a visibility or increment analysis;

30 D. Do not seek to establish or change a permit
31 term or condition for which there is no
32 corresponding underlying requirement and which
33 avoids an applicable requirement to which the
34 source would otherwise be subject. Such terms and
35 conditions include:

1 1. A federally enforceable emissions cap
2 assumed to avoid classification as a
3 modification under any provision of Title I of
4 the Clean Air Act; and

5 2. An alternative emissions limit approved
6 pursuant to regulations promulgated under
7 Section 112(i)(5) of the Clean Air Act;

8 E. Are not modifications under any provision
9 of Title I of the Clean Air Act; and

10 F. Are not required to be processed as a
11 significant modification.

12 ii. Notwithstanding subparagraphs (a)(i) and
13 (b)(ii) of this subsection, minor permit modification
14 procedures may be used for permit modifications
15 involving the use of economic incentives, marketable
16 permits, emissions trading, and other similar
17 approaches, to the extent that such minor permit
18 modification procedures are explicitly provided for in
19 an applicable implementation plan or in applicable
20 requirements promulgated by USEPA.

21 iii. An applicant requesting the use of minor
22 permit modification procedures shall meet the
23 requirements of subsection 5 of this Section and shall
24 include the following in its application:

25 A. A description of the change, the emissions
26 resulting from the change, and any new applicable
27 requirements that will apply if the change occurs;

28 B. The source's suggested draft permit;

29 C. Certification by a responsible official,
30 consistent with paragraph 5(e) of this Section and
31 applicable regulations, that the proposed
32 modification meets the criteria for use of minor
33 permit modification procedures and a request that
34 such procedures be used; and

35 D. Completed forms for the Agency to use to
36 notify USEPA and affected States as required under

1 subsections 8 and 9 of this Section.

2 iv. Within 5 working days of receipt of a complete
3 permit modification application, the Agency shall
4 notify USEPA and affected States of the requested
5 permit modification in accordance with subsections 8
6 and 9 of this Section. The Agency promptly shall send
7 any notice required under paragraph 8(d) of this
8 Section to USEPA.

9 v. The Agency may not issue a final permit
10 modification until after the 45-day review period for
11 USEPA or until USEPA has notified the Agency that USEPA
12 will not object to the issuance of the permit
13 modification, whichever comes first, although the
14 Agency can approve the permit modification prior to
15 that time. Within 90 days of the Agency's receipt of an
16 application under the minor permit modification
17 procedures or 15 days after the end of USEPA's 45-day
18 review period under subsection 9 of this Section,
19 whichever is later, the Agency shall:

20 A. Issue the permit modification as proposed;

21 B. Deny the permit modification application;

22 C. Determine that the requested modification
23 does not meet the minor permit modification
24 criteria and should be reviewed under the
25 significant modification procedures; or

26 D. Revise the draft permit modification and
27 transmit to USEPA the new proposed permit
28 modification as required by subsection 9 of this
29 Section.

30 vi. Any CAAPP source may make the change proposed
31 in its minor permit modification application
32 immediately after it files such application. After the
33 CAAPP source makes the change allowed by the preceding
34 sentence, and until the Agency takes any of the actions
35 specified in subparagraphs (a) (v) (A) through (a) (v) (C)
36 of this subsection, the source must comply with both

1 the applicable requirements governing the change and
2 the proposed permit terms and conditions. During this
3 time period, the source need not comply with the
4 existing permit terms and conditions it seeks to
5 modify. If the source fails to comply with its proposed
6 permit terms and conditions during this time period,
7 the existing permit terms and conditions which it seeks
8 to modify may be enforced against it.

9 vii. The permit shield under subparagraph 7(j) of
10 this Section may not extend to minor permit
11 modifications.

12 viii. If a construction permit is required,
13 pursuant to Section 39(a) of this Act and regulations
14 thereunder, for a change for which the minor permit
15 modification procedures are applicable, the source may
16 request that the processing of the construction permit
17 application be consolidated with the processing of the
18 application for the minor permit modification. In such
19 cases, the provisions of this Section, including those
20 within subsections 5, 8, and 9, shall apply and the
21 Agency shall act on such applications pursuant to
22 subparagraph 14(a)(v). The source may make the
23 proposed change immediately after filing its
24 application for the minor permit modification. Nothing
25 in this subparagraph shall otherwise affect the
26 requirements and procedures applicable to construction
27 permits.

28 b. Group Processing of Minor Permit Modifications.

29 i. Where requested by an applicant within its
30 application, the Agency shall process groups of a
31 source's applications for certain modifications
32 eligible for minor permit modification processing in
33 accordance with the provisions of this paragraph (b).

34 ii. Permit modifications may be processed in
35 accordance with the procedures for group processing,
36 for those modifications:

1 A. Which meet the criteria for minor permit
2 modification procedures under subparagraph
3 14(a) (i) of this Section; and

4 B. That collectively are below 10 percent of
5 the emissions allowed by the permit for the
6 emissions unit for which change is requested, 20
7 percent of the applicable definition of major
8 source set forth in subsection 2 of this Section,
9 or 5 tons per year, whichever is least.

10 iii. An applicant requesting the use of group
11 processing procedures shall meet the requirements of
12 subsection 5 of this Section and shall include the
13 following in its application:

14 A. A description of the change, the emissions
15 resulting from the change, and any new applicable
16 requirements that will apply if the change occurs.

17 B. The source's suggested draft permit.

18 C. Certification by a responsible official
19 consistent with paragraph 5(e) of this Section,
20 that the proposed modification meets the criteria
21 for use of group processing procedures and a
22 request that such procedures be used.

23 D. A list of the source's other pending
24 applications awaiting group processing, and a
25 determination of whether the requested
26 modification, aggregated with these other
27 applications, equals or exceeds the threshold set
28 under subparagraph (b) (ii) (B) of this subsection.

29 E. Certification, consistent with paragraph
30 5(e), that the source has notified USEPA of the
31 proposed modification. Such notification need only
32 contain a brief description of the requested
33 modification.

34 F. Completed forms for the Agency to use to
35 notify USEPA and affected states as required under
36 subsections 8 and 9 of this Section.

1 iv. On a quarterly basis or within 5 business days
2 of receipt of an application demonstrating that the
3 aggregate of a source's pending applications equals or
4 exceeds the threshold level set forth within
5 subparagraph (b)(ii)(B) of this subsection, whichever
6 is earlier, the Agency shall promptly notify USEPA and
7 affected States of the requested permit modifications
8 in accordance with subsections 8 and 9 of this Section.
9 The Agency shall send any notice required under
10 paragraph 8(d) of this Section to USEPA.

11 v. The provisions of subparagraph (a)(v) of this
12 subsection shall apply to modifications eligible for
13 group processing, except that the Agency shall take one
14 of the actions specified in subparagraphs (a)(v)(A)
15 through (a)(v)(D) of this subsection within 180 days of
16 receipt of the application or 15 days after the end of
17 USEPA's 45-day review period under subsection 9 of this
18 Section, whichever is later.

19 vi. The provisions of subparagraph (a)(vi) of this
20 subsection shall apply to modifications for group
21 processing.

22 vii. The provisions of paragraph 7(j) of this
23 Section shall not apply to modifications eligible for
24 group processing.

25 c. Significant Permit Modifications.

26 i. Significant modification procedures shall be
27 used for applications requesting significant permit
28 modifications and for those applications that do not
29 qualify as either minor permit modifications or as
30 administrative permit amendments.

31 ii. Every significant change in existing
32 monitoring permit terms or conditions and every
33 relaxation of reporting or recordkeeping requirements
34 shall be considered significant. A modification shall
35 also be considered significant if in the judgment of
36 the Agency action on an application for modification

1 would require decisions to be made on technically
2 complex issues. Nothing herein shall be construed to
3 preclude the permittee from making changes consistent
4 with this Section that would render existing permit
5 compliance terms and conditions irrelevant.

6 iii. Significant permit modifications must meet
7 all the requirements of this Section, including those
8 for applications (including completeness review),
9 public participation, review by affected States, and
10 review by USEPA applicable to initial permit issuance
11 and permit renewal. The Agency shall take final action
12 on significant permit modifications within 9 months
13 after receipt of a complete application.

14 d. The Agency shall have the authority to adopt
15 procedural rules, in accordance with the Illinois
16 Administrative Procedure Act, as the Agency deems
17 necessary, to implement this subsection.

18 15. Reopenings for Cause by the Agency.

19 a. Each issued CAAPP permit shall include provisions
20 specifying the conditions under which the permit will be
21 reopened prior to the expiration of the permit. Such
22 revisions shall be made as expeditiously as practicable. A
23 CAAPP permit shall be reopened and revised under any of the
24 following circumstances, in accordance with procedures
25 adopted by the Agency:

26 i. Additional requirements under the Clean Air Act
27 become applicable to a major CAAPP source for which 3
28 or more years remain on the original term of the
29 permit. Such a reopening shall be completed not later
30 than 18 months after the promulgation of the applicable
31 requirement. No such revision is required if the
32 effective date of the requirement is later than the
33 date on which the permit is due to expire.

34 ii. Additional requirements (including excess
35 emissions requirements) become applicable to an

1 affected source for acid deposition under the acid rain
2 program. Excess emissions offset plans shall be deemed
3 to be incorporated into the permit upon approval by
4 USEPA.

5 iii. The Agency or USEPA determines that the permit
6 contains a material mistake or that inaccurate
7 statements were made in establishing the emissions
8 standards, limitations, or other terms or conditions
9 of the permit.

10 iv. The Agency or USEPA determines that the permit
11 must be revised or revoked to assure compliance with
12 the applicable requirements.

13 b. In the event that the Agency determines that there
14 are grounds for revoking a CAAPP permit, for cause,
15 consistent with paragraph a of this subsection, it shall
16 file a petition before the Board setting forth the basis
17 for such revocation. In any such proceeding, the Agency
18 shall have the burden of establishing that the permit
19 should be revoked under the standards set forth in this Act
20 and the Clean Air Act. Any such proceeding shall be
21 conducted pursuant to the Board's procedures for
22 adjudicatory hearings and the Board shall render its
23 decision within 120 days of the filing of the petition. The
24 Agency shall take final action to revoke and reissue a
25 CAAPP permit consistent with the Board's order.

26 c. Proceedings regarding a reopened CAAPP permit shall
27 follow the same procedures as apply to initial permit
28 issuance and shall affect only those parts of the permit
29 for which cause to reopen exists.

30 d. Reopenings under paragraph (a) of this subsection
31 shall not be initiated before a notice of such intent is
32 provided to the CAAPP source by the Agency at least 30 days
33 in advance of the date that the permit is to be reopened,
34 except that the Agency may provide a shorter time period in
35 the case of an emergency.

36 e. The Agency shall have the authority to adopt

1 procedural rules, in accordance with the Illinois
2 Administrative Procedure Act, as the Agency deems
3 necessary, to implement this subsection.

4 16. Reopenings for Cause by USEPA.

5 a. When USEPA finds that cause exists to terminate,
6 modify, or revoke and reissue a CAAPP permit pursuant to
7 subsection 15 of this Section, and thereafter notifies the
8 Agency and the permittee of such finding in writing, the
9 Agency shall forward to USEPA and the permittee a proposed
10 determination of termination, modification, or revocation
11 and reissuance as appropriate, in accordance with
12 paragraph b of this subsection. The Agency's proposed
13 determination shall be in accordance with the record, the
14 Clean Air Act, regulations promulgated thereunder, this
15 Act and regulations promulgated thereunder. Such proposed
16 determination shall not affect the permit or constitute a
17 final permit action for purposes of this Act or the
18 Administrative Review Law. The Agency shall forward to
19 USEPA such proposed determination within 90 days after
20 receipt of the notification from USEPA. If additional time
21 is necessary to submit the proposed determination, the
22 Agency shall request a 90-day extension from USEPA and
23 shall submit the proposed determination within 180 days of
24 receipt of notification from USEPA.

25 b. i. Prior to the Agency's submittal to USEPA of a
26 proposed determination to terminate or revoke and
27 reissue the permit, the Agency shall file a petition
28 before the Board setting forth USEPA's objection, the
29 permit record, the Agency's proposed determination,
30 and the justification for its proposed determination.
31 The Board shall conduct a hearing pursuant to the rules
32 prescribed by Section 32 of this Act, and the burden of
33 proof shall be on the Agency.

34 ii. After due consideration of the written and oral
35 statements, the testimony and arguments that shall be

1 submitted at hearing, the Board shall issue and enter
2 an interim order for the proposed determination, which
3 shall set forth all changes, if any, required in the
4 Agency's proposed determination. The interim order
5 shall comply with the requirements for final orders as
6 set forth in Section 33 of this Act. Issuance of an
7 interim order by the Board under this paragraph,
8 however, shall not affect the permit status and does
9 not constitute a final action for purposes of this Act
10 or the Administrative Review Law.

11 iii. The Board shall cause a copy of its interim
12 order to be served upon all parties to the proceeding
13 as well as upon USEPA. The Agency shall submit the
14 proposed determination to USEPA in accordance with the
15 Board's Interim Order within 180 days after receipt of
16 the notification from USEPA.

17 c. USEPA shall review the proposed determination to
18 terminate, modify, or revoke and reissue the permit within
19 90 days of receipt.

20 i. When USEPA reviews the proposed determination
21 to terminate or revoke and reissue and does not object,
22 the Board shall, within 7 days of receipt of USEPA's
23 final approval, enter the interim order as a final
24 order. The final order may be appealed as provided by
25 Title XI of this Act. The Agency shall take final
26 action in accordance with the Board's final order.

27 ii. When USEPA reviews such proposed determination
28 to terminate or revoke and reissue and objects, the
29 Agency shall submit USEPA's objection and the Agency's
30 comments and recommendation on the objection to the
31 Board and permittee. The Board shall review its interim
32 order in response to USEPA's objection and the Agency's
33 comments and recommendation and issue a final order in
34 accordance with Sections 32 and 33 of this Act. The
35 Agency shall, within 90 days after receipt of such
36 objection, respond to USEPA's objection in accordance

1 with the Board's final order.

2 iii. When USEPA reviews such proposed
3 determination to modify and objects, the Agency shall,
4 within 90 days after receipt of the objection, resolve
5 the objection and modify the permit in accordance with
6 USEPA's objection, based upon the record, the Clean Air
7 Act, regulations promulgated thereunder, this Act, and
8 regulations promulgated thereunder.

9 d. If the Agency fails to submit the proposed
10 determination pursuant to paragraph a of this subsection or
11 fails to resolve any USEPA objection pursuant to paragraph
12 c of this subsection, USEPA will terminate, modify, or
13 revoke and reissue the permit.

14 e. The Agency shall have the authority to adopt
15 procedural rules, in accordance with the Illinois
16 Administrative Procedure Act, as the Agency deems
17 necessary, to implement this subsection.

18 17. Title IV; Acid Rain Provisions.

19 a. The Agency shall act on initial CAAPP applications
20 for affected sources for acid deposition in accordance with
21 this Section and Title V of the Clean Air Act and
22 regulations promulgated thereunder, except as modified by
23 Title IV of the Clean Air Act and regulations promulgated
24 thereunder. The Agency shall issue initial CAAPP permits to
25 the affected sources for acid deposition which shall become
26 effective no earlier than January 1, 1995, and which shall
27 terminate on December 31, 1999, in accordance with this
28 Section. Subsequent CAAPP permits issued to affected
29 sources for acid deposition shall be issued for a fixed
30 term of 5 years. Title IV of the Clean Air Act and
31 regulations promulgated thereunder, including but not
32 limited to 40 C.F.R. Part 72, as now or hereafter amended,
33 are applicable to and enforceable under this Act.

34 b. A designated representative of an affected source
35 for acid deposition shall submit a timely and complete

1 Phase II acid rain permit application and compliance plan
2 to the Agency, not later than January 1, 1996, that meets
3 the requirements of Titles IV and V of the Clean Air Act
4 and regulations. The Agency shall act on the Phase II acid
5 rain permit application and compliance plan in accordance
6 with this Section and Title V of the Clean Air Act and
7 regulations promulgated thereunder, except as modified by
8 Title IV of the Clean Air Act and regulations promulgated
9 thereunder. The Agency shall issue the Phase II acid rain
10 permit to an affected source for acid deposition no later
11 than December 31, 1997, which shall become effective on
12 January 1, 2000, in accordance with this Section, except as
13 modified by Title IV and regulations promulgated
14 thereunder; provided that the designated representative of
15 the source submitted a timely and complete Phase II permit
16 application and compliance plan to the Agency that meets
17 the requirements of Title IV and V of the Clean Air Act and
18 regulations.

19 c. Each Phase II acid rain permit issued in accordance
20 with this subsection shall have a fixed term of 5 years.
21 Except as provided in paragraph b above, the Agency shall
22 issue or deny a Phase II acid rain permit within 18 months
23 of receiving a complete Phase II permit application and
24 compliance plan.

25 d. A designated representative of a new unit, as
26 defined in Section 402 of the Clean Air Act, shall submit a
27 timely and complete Phase II acid rain permit application
28 and compliance plan that meets the requirements of Titles
29 IV and V of the Clean Air Act and its regulations. The
30 Agency shall act on the new unit's Phase II acid rain
31 permit application and compliance plan in accordance with
32 this Section and Title V of the Clean Air Act and its
33 regulations, except as modified by Title IV of the Clean
34 Air Act and its regulations. The Agency shall reopen the
35 new unit's CAAPP permit for cause to incorporate the
36 approved Phase II acid rain permit in accordance with this

1 Section. The Phase II acid rain permit for the new unit
2 shall become effective no later than the date required
3 under Title IV of the Clean Air Act and its regulations.

4 e. A designated representative of an affected source
5 for acid deposition shall submit a timely and complete
6 Title IV NOx permit application to the Agency, not later
7 than January 1, 1998, that meets the requirements of Titles
8 IV and V of the Clean Air Act and its regulations. The
9 Agency shall reopen the Phase II acid rain permit for cause
10 and incorporate the approved NOx provisions into the Phase
11 II acid rain permit not later than January 1, 1999, in
12 accordance with this Section, except as modified by Title
13 IV of the Clean Air Act and regulations promulgated
14 thereunder. Such reopening shall not affect the term of the
15 Phase II acid rain permit.

16 f. The designated representative of the affected
17 source for acid deposition shall renew the initial CAAPP
18 permit and Phase II acid rain permit in accordance with
19 this Section and Title V of the Clean Air Act and
20 regulations promulgated thereunder, except as modified by
21 Title IV of the Clean Air Act and regulations promulgated
22 thereunder.

23 g. In the case of an affected source for acid
24 deposition for which a complete Phase II acid rain permit
25 application and compliance plan are timely received under
26 this subsection, the complete permit application and
27 compliance plan, including amendments thereto, shall be
28 binding on the owner, operator and designated
29 representative, all affected units for acid deposition at
30 the affected source, and any other unit, as defined in
31 Section 402 of the Clean Air Act, governed by the Phase II
32 acid rain permit application and shall be enforceable as an
33 acid rain permit for purposes of Titles IV and V of the
34 Clean Air Act, from the date of submission of the acid rain
35 permit application until a Phase II acid rain permit is
36 issued or denied by the Agency.

1 h. The Agency shall not include or implement any
2 measure which would interfere with or modify the
3 requirements of Title IV of the Clean Air Act or
4 regulations promulgated thereunder.

5 i. Nothing in this Section shall be construed as
6 affecting allowances or USEPA's decision regarding an
7 excess emissions offset plan, as set forth in Title IV of
8 the Clean Air Act or regulations promulgated thereunder.

9 i. No permit revision shall be required for
10 increases in emissions that are authorized by
11 allowances acquired pursuant to the acid rain program,
12 provided that such increases do not require a permit
13 revision under any other applicable requirement.

14 ii. No limit shall be placed on the number of
15 allowances held by the source. The source may not,
16 however, use allowances as a defense to noncompliance
17 with any other applicable requirement.

18 iii. Any such allowance shall be accounted for
19 according to the procedures established in regulations
20 promulgated under Title IV of the Clean Air Act.

21 j. To the extent that the federal regulations
22 promulgated under Title IV, including but not limited to 40
23 C.F.R. Part 72, as now or hereafter amended, are
24 inconsistent with the federal regulations promulgated
25 under Title V, the federal regulations promulgated under
26 Title IV shall take precedence.

27 k. The USEPA may intervene as a matter of right in any
28 permit appeal involving a Phase II acid rain permit
29 provision or denial of a Phase II acid rain permit.

30 l. It is unlawful for any owner or operator to violate
31 any terms or conditions of a Phase II acid rain permit
32 issued under this subsection, to operate any affected
33 source for acid deposition except in compliance with a
34 Phase II acid rain permit issued by the Agency under this
35 subsection, or to violate any other applicable
36 requirements.

1 m. The designated representative of an affected source
2 for acid deposition shall submit to the Agency the data and
3 information submitted quarterly to USEPA, pursuant to 40
4 CFR 75.64, concurrently with the submission to USEPA. The
5 submission shall be in the same electronic format as
6 specified by USEPA.

7 n. The Agency shall act on any petition for exemption
8 of a new unit or retired unit, as those terms are defined
9 in Section 402 of the Clean Air Act, from the requirements
10 of the acid rain program in accordance with Title IV of the
11 Clean Air Act and its regulations.

12 o. The Agency shall have the authority to adopt
13 procedural rules, in accordance with the Illinois
14 Administrative Procedure Act, as the Agency deems
15 necessary to implement this subsection.

16 18. Fee Provisions.

17 a. For each 12 month period after the date on which the
18 USEPA approves or conditionally approves the CAAPP, but in
19 no event prior to January 1, 1994, a source subject to this
20 Section or excluded under subsection 1.1 or paragraph 3(c)
21 of this Section, shall pay a fee as provided in this part
22 (a) of this subsection 18. However, a source that has been
23 excluded from the provisions of this Section under
24 subsection 1.1 or paragraph 3(c) of this Section because
25 the source emits less than 25 tons per year of any
26 combination of regulated air pollutants shall pay fees in
27 accordance with paragraph (1) of subsection (b) of Section
28 9.6.

29 i. The fee for a source allowed to emit less than
30 100 tons per year of any combination of regulated air
31 pollutants shall be \$1,000 ~~\$1,800~~ per year.

32 ii. The fee for a source allowed to emit 100 tons
33 or more per year of any combination of regulated air
34 pollutants, except for those regulated air pollutants
35 excluded in paragraph 18(f) of this subsection, shall

1 be as follows:

2 A. The Agency shall assess an annual fee of
3 \$13.50 ~~\$18.00~~ per ton for the allowable emissions
4 of all regulated air pollutants at that source
5 during the term of the permit. These fees shall be
6 used by the Agency and the Board to fund the
7 activities required by Title V of the Clean Air Act
8 including such activities as may be carried out by
9 other State or local agencies pursuant to
10 paragraph (d) of this subsection. The amount of
11 such fee shall be based on the information supplied
12 by the applicant in its complete CAAPP permit
13 application or in the CAAPP permit if the permit
14 has been granted and shall be determined by the
15 amount of emissions that the source is allowed to
16 emit annually, provided however, that no source
17 shall be required to pay an annual fee in excess of
18 \$100,000 ~~\$250,000~~. The Agency shall provide as
19 part of the permit application form required under
20 subsection 5 of this Section a separate fee
21 calculation form which will allow the applicant to
22 identify the allowable emissions and calculate the
23 fee for the term of the permit. In no event shall
24 the Agency raise the amount of allowable emissions
25 requested by the applicant unless such increases
26 are required to demonstrate compliance with terms
27 of a CAAPP permit.

28 Notwithstanding the above, any applicant may
29 seek a change in its permit which would result in
30 increases in allowable emissions due to an
31 increase in the hours of operation or production
32 rates of an emission unit or units and such a
33 change shall be consistent with the construction
34 permit requirements of the existing State permit
35 program, under Section 39(a) of this Act and
36 applicable provisions of this Section. Where a

1 construction permit is required, the Agency shall
2 expeditiously grant such construction permit and
3 shall, if necessary, modify the CAAPP permit based
4 on the same application.

5 B. The applicant or permittee may pay the fee
6 annually or semiannually for those fees greater
7 than \$5,000. However, any applicant paying a fee
8 equal to or greater than \$100,000 shall pay the
9 full amount on July 1, for the subsequent fiscal
10 year, or pay 50% of the fee on July 1 and the
11 remaining 50% by the next January 1. The Agency may
12 change any annual billing date upon reasonable
13 notice, but shall prorate the new bill so that the
14 permittee or applicant does not pay more than its
15 required fees for the fee period for which payment
16 is made.

17 b. (Blank).

18 c. (Blank).

19 d. There is hereby created in the State Treasury a
20 special fund to be known as the "CAA Permit Fund". All
21 Funds collected by the Agency pursuant to this subsection
22 shall be deposited into the Fund. The General Assembly
23 shall appropriate monies from this Fund to the Agency and
24 to the Board to carry out their obligations under this
25 Section. The General Assembly may also authorize monies to
26 be granted by the Agency from this Fund to other State and
27 local agencies which perform duties related to the CAAPP.
28 Interest generated on the monies deposited in this Fund
29 shall be returned to the Fund.

30 e. The Agency shall have the authority to adopt
31 procedural rules, in accordance with the Illinois
32 Administrative Procedure Act, as the Agency deems
33 necessary to implement this subsection.

34 f. For purposes of this subsection, the term "regulated
35 air pollutant" shall have the meaning given to it under
36 subsection 1 of this Section but shall exclude the

1 following:

2 i. carbon monoxide;

3 ii. any Class I or II substance which is a
4 regulated air pollutant solely because it is listed
5 pursuant to Section 602 of the Clean Air Act; and

6 iii. any pollutant that is a regulated air
7 pollutant solely because it is subject to a standard or
8 regulation under Section 112(r) of the Clean Air Act
9 based on the emissions allowed in the permit effective
10 in that calendar year, at the time the applicable bill
11 is generated.

12 19. Air Toxics Provisions.

13 a. In the event that the USEPA fails to promulgate in a
14 timely manner a standard pursuant to Section 112(d) of the
15 Clean Air Act, the Agency shall have the authority to issue
16 permits, pursuant to Section 112(j) of the Clean Air Act
17 and regulations promulgated thereunder, which contain
18 emission limitations which are equivalent to the emission
19 limitations that would apply to a source if an emission
20 standard had been promulgated in a timely manner by USEPA
21 pursuant to Section 112(d). Provided, however, that the
22 owner or operator of a source shall have the opportunity to
23 submit to the Agency a proposed emission limitation which
24 it determines to be equivalent to the emission limitations
25 that would apply to such source if an emission standard had
26 been promulgated in a timely manner by USEPA. If the Agency
27 refuses to include the emission limitation proposed by the
28 owner or operator in a CAAPP permit, the owner or operator
29 may petition the Board to establish whether the emission
30 limitation proposal submitted by the owner or operator
31 provides for emission limitations which are equivalent to
32 the emission limitations that would apply to the source if
33 the emission standard had been promulgated by USEPA in a
34 timely manner. The Board shall determine whether the
35 emission limitation proposed by the owner or operator or an

1 alternative emission limitation proposed by the Agency
2 provides for the level of control required under Section
3 112 of the Clean Air Act, or shall otherwise establish an
4 appropriate emission limitation, pursuant to Section 112
5 of the Clean Air Act.

6 b. Any Board proceeding brought under paragraph (a) or
7 (e) of this subsection shall be conducted according to the
8 Board's procedures for adjudicatory hearings and the Board
9 shall render its decision within 120 days of the filing of
10 the petition. Any such decision shall be subject to review
11 pursuant to Section 41 of this Act. Where USEPA promulgates
12 an applicable emission standard prior to the issuance of
13 the CAAPP permit, the Agency shall include in the permit
14 the promulgated standard, provided that the source shall
15 have the compliance period provided under Section 112(i) of
16 the Clean Air Act. Where USEPA promulgates an applicable
17 standard subsequent to the issuance of the CAAPP permit,
18 the Agency shall revise such permit upon the next renewal
19 to reflect the promulgated standard, providing a
20 reasonable time for the applicable source to comply with
21 the standard, but no longer than 8 years after the date on
22 which the source is first required to comply with the
23 emissions limitation established under this subsection.

24 c. The Agency shall have the authority to implement and
25 enforce complete or partial emission standards promulgated
26 by USEPA pursuant to Section 112(d), and standards
27 promulgated by USEPA pursuant to Sections 112(f), 112(h),
28 112(m), and 112(n), and may accept delegation of authority
29 from USEPA to implement and enforce Section 112(l) and
30 requirements for the prevention and detection of
31 accidental releases pursuant to Section 112(r) of the Clean
32 Air Act.

33 d. The Agency shall have the authority to issue permits
34 pursuant to Section 112(i) (5) of the Clean Air Act.

35 e. The Agency has the authority to implement Section
36 112(g) of the Clean Air Act consistent with the Clean Air

1 Act and federal regulations promulgated thereunder. If the
2 Agency refuses to include the emission limitations
3 proposed in an application submitted by an owner or
4 operator for a case-by-case maximum achievable control
5 technology (MACT) determination, the owner or operator may
6 petition the Board to determine whether the emission
7 limitation proposed by the owner or operator or an
8 alternative emission limitation proposed by the Agency
9 provides for a level of control required by Section 112 of
10 the Clean Air Act, or to otherwise establish an appropriate
11 emission limitation under Section 112 of the Clean Air Act.

12 20. Small Business.

13 a. For purposes of this subsection:

14 "Program" is the Small Business Stationary Source
15 Technical and Environmental Compliance Assistance Program
16 created within this State pursuant to Section 507 of the
17 Clean Air Act and guidance promulgated thereunder, to
18 provide technical assistance and compliance information to
19 small business stationary sources;

20 "Small Business Assistance Program" is a component of
21 the Program responsible for providing sufficient
22 communications with small businesses through the
23 collection and dissemination of information to small
24 business stationary sources; and

25 "Small Business Stationary Source" means a stationary
26 source that:

27 1. is owned or operated by a person that employs
28 100 or fewer individuals;

29 2. is a small business concern as defined in the
30 "Small Business Act";

31 3. is not a major source as that term is defined in
32 subsection 2 of this Section;

33 4. does not emit 50 tons or more per year of any
34 regulated air pollutant; and

35 5. emits less than 75 tons per year of all

1 regulated pollutants.

2 b. The Agency shall adopt and submit to USEPA, after
3 reasonable notice and opportunity for public comment, as a
4 revision to the Illinois state implementation plan, plans
5 for establishing the Program.

6 c. The Agency shall have the authority to enter into
7 such contracts and agreements as the Agency deems necessary
8 to carry out the purposes of this subsection.

9 d. The Agency may establish such procedures as it may
10 deem necessary for the purposes of implementing and
11 executing its responsibilities under this subsection.

12 e. There shall be appointed a Small Business Ombudsman
13 (hereinafter in this subsection referred to as
14 "Ombudsman") to monitor the Small Business Assistance
15 Program. The Ombudsman shall be a nonpartisan designated
16 official, with the ability to independently assess whether
17 the goals of the Program are being met.

18 f. The State Ombudsman Office shall be located in an
19 existing Ombudsman office within the State or in any State
20 Department.

21 g. There is hereby created a State Compliance Advisory
22 Panel (hereinafter in this subsection referred to as
23 "Panel") for determining the overall effectiveness of the
24 Small Business Assistance Program within this State.

25 h. The selection of Panel members shall be by the
26 following method:

27 1. The Governor shall select two members who are
28 not owners or representatives of owners of small
29 business stationary sources to represent the general
30 public;

31 2. The Director of the Agency shall select one
32 member to represent the Agency; and

33 3. The State Legislature shall select four members
34 who are owners or representatives of owners of small
35 business stationary sources. Both the majority and
36 minority leadership in both Houses of the Legislature

1 shall appoint one member of the panel.

2 i. Panel members should serve without compensation but
3 will receive full reimbursement for expenses including
4 travel and per diem as authorized within this State.

5 j. The Panel shall select its own Chair by a majority
6 vote. The Chair may meet and consult with the Ombudsman and
7 the head of the Small Business Assistance Program in
8 planning the activities for the Panel.

9 21. Temporary Sources.

10 a. The Agency may issue a single permit authorizing
11 emissions from similar operations by the same source owner
12 or operator at multiple temporary locations, except for
13 sources which are affected sources for acid deposition
14 under Title IV of the Clean Air Act.

15 b. The applicant must demonstrate that the operation is
16 temporary and will involve at least one change of location
17 during the term of the permit.

18 c. Any such permit shall meet all applicable
19 requirements of this Section and applicable regulations,
20 and include conditions assuring compliance with all
21 applicable requirements at all authorized locations and
22 requirements that the owner or operator notify the Agency
23 at least 10 days in advance of each change in location.

24 22. Solid Waste Incineration Units.

25 a. A CAAPP permit for a solid waste incineration unit
26 combusting municipal waste subject to standards
27 promulgated under Section 129(e) of the Clean Air Act shall
28 be issued for a period of 12 years and shall be reviewed
29 every 5 years, unless the Agency requires more frequent
30 review through Agency procedures.

31 b. During the review in paragraph (a) of this
32 subsection, the Agency shall fully review the previously
33 submitted CAAPP permit application and corresponding
34 reports subsequently submitted to determine whether the

1 source is in compliance with all applicable requirements.

2 c. If the Agency determines that the source is not in
3 compliance with all applicable requirements it shall
4 revise the CAAPP permit as appropriate.

5 d. The Agency shall have the authority to adopt
6 procedural rules, in accordance with the Illinois
7 Administrative Procedure Act, as the Agency deems
8 necessary, to implement this subsection.

9 (Source: P.A. 93-32, eff. 7-1-03; 94-580, eff. 8-12-05.)

10 (415 ILCS 5/55.8) (from Ch. 111 1/2, par. 1055.8)

11 Sec. 55.8. Tire retailers.

12 (a) ~~Beginning July 1, 1992,~~ Any person selling new or used
13 tires at retail or offering new or used tires for retail sale
14 in this State shall:

15 (1) beginning on the effective date of this amendatory
16 Act of the 94th General Assembly, collect from retail
17 customers a fee of \$1 ~~\$2~~ per new or ~~and~~ used tire sold and
18 delivered in this State, to be paid to the Department of
19 Revenue and deposited into the Used Tire Management Fund,
20 less a collection allowance of 10 cents per tire to be
21 retained by the retail seller and a collection allowance of
22 10 cents per tire to be retained by the Department of
23 Revenue and paid into the General Revenue Fund;

24 (1.5) (blank) ~~beginning on July 1, 2003,~~ collect from
25 ~~retail customers an additional 50 cents per new or used~~
26 ~~tire sold and delivered in this State. The money collected~~
27 ~~from this fee shall be deposited into the Emergency Public~~
28 ~~Health Fund. This fee shall no longer be collected~~
29 ~~beginning on January 1, 2008.~~

30 (2) accept for recycling used tires from customers, at
31 the point of transfer, in a quantity equal to the number of
32 new tires purchased; and

33 (3) post in a conspicuous place a written notice at
34 least 8.5 by 11 inches in size that includes the universal
35 recycling symbol and the following statements: "DO NOT put

1 used tires in the trash."; "Recycle your used tires."; and
2 "State law requires us to accept used tires for recycling,
3 in exchange for new tires purchased."

4 (b) A person who accepts used tires for recycling under
5 subsection (a) shall not allow the tires to accumulate for
6 periods of more than 90 days.

7 (c) The requirements of subsection (a) of this Section do
8 not apply to mail order sales nor shall the retail sale of a
9 motor vehicle be considered to be the sale of tires at retail
10 or offering of tires for retail sale. Instead of filing
11 returns, retailers of tires may remit the tire user fee of
12 \$1.00 per tire to their suppliers of tires if the supplier of
13 tires is a registered retailer of tires and agrees or otherwise
14 arranges to collect and remit the tire fee to the Department of
15 Revenue, notwithstanding the fact that the sale of the tire is
16 a sale for resale and not a sale at retail. A tire supplier who
17 enters into such an arrangement with a tire retailer shall be
18 liable for the tax on all tires sold to the tire retailer and
19 must (i) provide the tire retailer with a receipt that
20 separately reflects the tire tax collected from the retailer on
21 each transaction and (ii) accept used tires for recycling from
22 the retailer's customers. The tire supplier shall be entitled
23 to the collection allowance of 10 cents per tire.

24 The retailer of the tires must maintain in its books and
25 records evidence that the appropriate fee was paid to the tire
26 supplier and that the tire supplier has agreed to remit the fee
27 to the Department of Revenue for each tire sold by the
28 retailer. Otherwise, the tire retailer shall be directly liable
29 for the fee on all tires sold at retail. Tire retailers paying
30 the fee to their suppliers are not entitled to the collection
31 allowance of 10 cents per tire.

32 (d) The requirements of subsection (a) of this Section
33 shall apply exclusively to tires to be used for vehicles
34 defined in Section 1-217 of the Illinois Vehicle Code, aircraft
35 tires, special mobile equipment, and implements of husbandry.

36 (e) The requirements of paragraph (1) of subsection (a) do

1 not apply to the sale of reprocessed tires. For purposes of
2 this Section, "reprocessed tire" means a used tire that has
3 been recapped, retreaded, or regrooved and that has not been
4 placed on a vehicle wheel rim.

5 (Source: P.A. 93-32, eff. 6-20-03; 93-52, eff. 6-30-03; revised
6 10-13-03.)

7 (415 ILCS 5/56.4) (from Ch. 111 1/2, par. 1056.4)

8 Sec. 56.4. Medical waste manifests.

9 (a) Manifests for potentially infectious medical waste
10 shall consist of an original (the first page of the form) and 3
11 copies. Upon delivery of potentially infectious medical waste
12 by a generator to a transporter, the transporter shall deliver
13 one copy of the completed manifest to the generator. Upon
14 delivery of potentially infectious medical waste by a
15 transporter to a treatment or disposal facility, the
16 transporter shall keep one copy of the completed manifest, and
17 the transporter shall deliver the original and one copy of the
18 completed manifest to the treatment or disposal facility. The
19 treatment or disposal facility shall keep one copy of the
20 completed manifest and return the original to the generator
21 within 35 days. The manifest, as provided for in this Section,
22 shall not terminate while being transferred between the
23 generator, transporter, transfer station, or storage facility,
24 unless transfer activities are conducted at the treatment or
25 disposal facility. The manifest shall terminate at the
26 treatment or disposal facility.

27 (b) Potentially infectious medical waste manifests shall
28 be in a form prescribed and provided by the Agency. Generators
29 and transporters of potentially infectious medical waste and
30 facilities accepting potentially infectious medical waste are
31 not required to submit copies of such manifests to the Agency.
32 The manifest described in this Section shall be used for the
33 transportation of potentially infectious medical waste instead
34 of the manifest described in Section 22.01 of this Act. Copies
35 of each manifest shall be retained for 3 years by generators,

1 transporters, and facilities, and shall be available for
2 inspection and copying by the Agency.

3 (c) The Agency shall assess a fee of \$2 ~~\$4.00~~ for each
4 potentially infectious medical waste manifest provided by the
5 Agency.

6 (d) All fees collected by the Agency under this Section
7 shall be deposited into the Environmental Protection Permit and
8 Inspection Fund. The Agency may establish procedures relating
9 to the collection of fees under this Section. The Agency shall
10 not refund any fee paid to it under this Section.

11 (Source: P.A. 93-32, eff. 7-1-03.)

12 (415 ILCS 5/56.5) (from Ch. 111 1/2, par. 1056.5)

13 Sec. 56.5. Medical waste hauling fees.

14 (a) The Agency shall annually collect a \$1,000 ~~\$2000~~ fee
15 for each potentially infectious medical waste hauling permit
16 application and, in addition, shall collect a fee of \$250 for
17 each potentially infectious medical waste hauling vehicle
18 identified in the annual permit application and for each
19 vehicle that is added to the permit during the annual period.
20 Each applicant required to pay a fee under this Section shall
21 submit the fee along with the permit application. The Agency
22 shall deny any permit application for which a fee is required
23 under this Section that does not contain the appropriate fee.

24 (b) All fees collected by the Agency under this Section
25 shall be deposited into the Environmental Protection Permit and
26 Inspection Fund. The Agency may establish procedures relating
27 to the collection of fees under this Section. The Agency shall
28 not refund any fee paid to it under this Section.

29 (c) The Agency shall not collect a fee under this Section
30 from any hospital that transports only potentially infectious
31 medical waste generated by its own activities or by members of
32 its medical staff.

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

34 (415 ILCS 5/56.6) (from Ch. 111 1/2, par. 1056.6)

1 Sec. 56.6. Medical waste transportation fees.

2 (a) The Agency shall collect from each transporter of
3 potentially infectious medical waste required to have a permit
4 under Section 56.1(f) of this Act a fee in the amount of 1.5 ~~3~~
5 cents per pound of potentially infectious medical waste
6 transported. The Agency shall collect from each transporter of
7 potentially infectious medical waste not required to have a
8 permit under Section 56.1(f)(1)(A) of this Act a fee in the
9 amount of 1.5 ~~3~~ cents per pound of potentially infectious
10 medical waste transported to a site or facility not owned,
11 controlled, or operated by the transporter. The Agency shall
12 deny any permit required under Section 56.1(f) of this Act from
13 any applicant who has not paid to the Agency all fees due under
14 this Section.

15 A fee in the amount of 1.5 ~~3~~ cents per pound of potentially
16 infectious medical waste shall be collected by the Agency from
17 a potentially infectious medical waste storage site or
18 treatment facility receiving potentially infectious medical
19 waste, unless the fee has been previously paid by a
20 transporter.

21 (b) The Agency shall establish procedures, not later than
22 January 1, 1992, relating to the collection of the fees
23 authorized by this Section. These procedures shall include, but
24 not be limited to: (i) necessary records identifying the
25 quantities of potentially infectious medical waste
26 transported; (ii) the form and submission of reports to
27 accompany the payment of fees to the Agency; and (iii) the time
28 and manner of payment of fees to the Agency, which payments
29 shall be not more often than quarterly.

30 (c) All fees collected by the Agency under this Section
31 shall be deposited into the Environmental Protection Permit and
32 Inspection Fund. The Agency may establish procedures relating
33 to the collection of fees under this Section. The Agency shall
34 not refund any fee paid to it under this Section.

35 (d) The Agency shall not collect a fee under this Section
36 from a person transporting potentially infectious medical

1 waste to a hospital when the person is a member of the
2 hospital's medical staff.

3 (Source: P.A. 93-32, eff. 7-1-03.)

4 (415 ILCS 5/9.12 rep.)

5 (415 ILCS 5/9.13 rep.)

6 (415 ILCS 5/12.5 rep.)

7 (415 ILCS 5/12.6 rep.)

8 Section 145. The Environmental Protection Act is amended by
9 repealing Sections 9.12, 9.13, 12.5, and 12.6.

10 Section 150. The Illinois Pesticide Act is amended by
11 changing Sections 6 and 22.1 as follows:

12 (415 ILCS 60/6) (from Ch. 5, par. 806)

13 Sec. 6. Registration.

14 1. Every pesticide which is distributed, sold, offered for
15 sale within this State, delivered for transportation or
16 transported in interstate commerce or between points within the
17 State through any point outside the State, shall be registered
18 with the Director or his designated agent, subject to
19 provisions of this Act. Such registration shall be renewed
20 annually with registrations expiring December 31 each year.
21 Registration is not required if a pesticide is shipped from one
22 plant or warehouse to another plant or warehouse by the same
23 person and is used solely at such plant or warehouse as a
24 constituent part to make a pesticide which is registered under
25 provisions of this Act and FIFRA.

26 2. Registration applicant shall file a statement with the
27 Director which shall include:

28 A. The name and address of the applicant and the name
29 and address of the person whose name will appear on the
30 label if different from the applicant's.

31 B. The name of the pesticide.

32 C. A copy of the labeling accompanying the pesticide
33 under customary conditions of distribution, sale and use,

1 including ingredient statement, direction for use, use
2 classification, and precautionary or warning statements.

3 3. The Director may require the submission of complete
4 formula data.

5 4. The Director may require a full description of tests
6 made and the results thereof, upon which the claims are based,
7 for any pesticide not registered pursuant to FIFRA, or on any
8 pesticide under consideration to be classified for restricted
9 use.

10 A. The Director will not consider data he required of
11 the initial registrant of a pesticide in support of another
12 applicants' registration unless the subsequent applicant
13 has obtained written permission to use such data.

14 B. In the case of renewal registration, the Director
15 may accept a statement only with respect to information
16 which is different from that furnished previously.

17 5. The Director may prescribe other requirements to support
18 a pesticide registration by regulation.

19 6. For the years preceding the year 2004, any registrant
20 desiring to register a pesticide product at any time during one
21 year shall pay the annual registration fee of \$100 per product
22 registered for that applicant. For the years 2004 through 2006
23 ~~and thereafter~~, the annual product registration fee is \$200 per
24 product. For the years 2007 and thereafter, the annual product
25 registration fee is \$130.

26 In addition, for the years preceding the year 2004 any
27 business registering a pesticide product at any time during one
28 year shall pay the annual business registration fee of \$250.
29 For the years 2004 through 2006 ~~and thereafter~~, the annual
30 business registration fee shall be \$400. For the years 2007 and
31 thereafter, the annual business registration fee is \$300. Each
32 legal entity of the business shall pay the annual business
33 registration fee.

34 For the years preceding the year 2004, any applicant
35 requesting an experimental use permit shall pay the annual fee
36 of \$100 per permit and all special local need pesticide

1 registration applicants shall pay an annual fee of \$100 per
2 product. For the years 2004 through 2006 ~~and thereafter~~, the
3 annual experimental use permit fee and special local need
4 pesticide registration fee is \$200 per permit. For the annual
5 experimental use permit fee and special local need pesticide
6 registration fee is \$130. Subsequent SLN registrations for a
7 pesticide already registered shall be exempted from the
8 registration fee.

9 A. All registration accepted and approved by the
10 Director shall expire on the 31st day of December in any
11 one year unless cancelled. Registration for a special local
12 need may be granted for a specific period of time with the
13 approval date and expiration date specified.

14 B. If a registration for special local need granted by
15 the Director does not receive approval of the Administrator
16 of USEPA, the registration shall expire on the date of the
17 Administrator's disapproval.

18 7. Registrations approved and accepted by the Director and
19 in effect on the 31st day of December, for which renewal
20 application is made, shall continue in full force and effect
21 until the Director notifies the registrant that the renewal has
22 been approved and accepted or the registration is denied under
23 this Act. Renewal registration forms will be provided to
24 applicants by the Director.

25 8. If the renewal of a pesticide registration is not filed
26 within 30 days of the date of expiration, a penalty late
27 registration assessment of \$200 ~~\$300~~ per product shall apply in
28 lieu of the normal annual product registration fee. The late
29 registration assessment shall not apply if the applicant
30 furnishes an affidavit certifying that no unregulated
31 pesticide was distributed or sold during the period of
32 registration. The late assessment is not a bar to prosecution
33 for doing business without proper registry.

34 9. The Director may prescribe by regulation to allow
35 pesticide use for a special local need, pursuant to FIFRA.

36 10. The Director may prescribe by regulation the provisions

1 for and requirements of registering a pesticide intended for
2 experimental use.

3 11. The Director shall not make any lack of essentiality a
4 criterion for denial of registration of any pesticide. Where 2
5 pesticides meet the requirements, one should not be registered
6 in preference to the other.

7 12. It shall be the duty of the pesticide registrant to
8 properly dispose of any pesticide the registration of which has
9 been suspended, revoked or cancelled or which is otherwise not
10 properly registered in the State.

11 (Source: P.A. 93-32, eff. 7-1-03.)

12 (415 ILCS 60/22.1) (from Ch. 5, par. 822.1)

13 Sec. 22.1. Pesticide Control Fund. There is hereby created
14 in the State Treasury a special fund to be known as the
15 Pesticide Control Fund. All registration, penalty and license
16 fees collected by the Department pursuant to this Act shall be
17 deposited into the Fund. The amount annually collected as fees
18 shall be appropriated by the General Assembly to the Department
19 for the purposes of conducting a public educational program on
20 the proper use of pesticides, for other activities related to
21 the enforcement of this Act, and for administration of the
22 Insect Pest and Plant Disease Act. However, the increase in
23 fees in Sections 6, 10, and 13 of this Act resulting from this
24 amendatory Act of 1990 shall be used by the Department for the
25 purpose of carrying out the Department's powers and duties as
26 set forth in paragraph 8 of Section 19 of this Act. The monies
27 collected under Section 13.1 of this Act shall be deposited in
28 the Agrichemical Incident Response Fund. In addition, for the
29 years 2004 through 2006 ~~and thereafter~~, \$125 of each pesticide
30 annual business registration fee and \$50 of each pesticide
31 product annual registration fee collected by the Department
32 pursuant to Section 6, paragraph 6 of this Act shall be
33 deposited by the Department directly into the State's General
34 Revenue Fund.

35 (Source: P.A. 93-32, eff. 7-1-03.)

1 (415 ILCS 120/35 rep.)

2 Section 155. The Alternate Fuels Act is amended by
3 repealing Section 35 .

4 Section 160. The Alternate Fuels Act is amended by changing
5 Section 40 as follows:

6 (415 ILCS 120/40)

7 Sec. 40. Appropriations from the Alternate Fuels Fund.

8 (a) ~~(Blank). User Fees Funds. The Agency shall estimate the~~
9 ~~amount of user fees expected to be collected under Section 35~~
10 ~~of this Act for each fiscal year. User fee funds shall be~~
11 ~~deposited into and distributed from the Alternate Fuels Fund in~~
12 ~~the following manner:~~

13 ~~(1) In each of fiscal years 1999, 2000, 2001, 2002, and~~
14 ~~2003, an amount not to exceed \$200,000, and beginning in~~
15 ~~fiscal year 2004 an annual amount not to exceed \$225,000,~~
16 ~~may be appropriated to the Agency from the Alternate Fuels~~
17 ~~Fund to pay its costs of administering the programs~~
18 ~~authorized by Section 30 of this Act. Up to \$200,000 may be~~
19 ~~appropriated to the Office of the Secretary of State in~~
20 ~~each of fiscal years 1999, 2000, 2001, 2002, and 2003 from~~
21 ~~the Alternate Fuels Fund to pay the Secretary of State's~~
22 ~~costs of administering the programs authorized under this~~
23 ~~Act. Beginning in fiscal year 2004 and in each fiscal year~~
24 ~~thereafter, an amount not to exceed \$225,000 may be~~
25 ~~appropriated to the Secretary of State from the Alternate~~
26 ~~Fuels Fund to pay the Secretary of State's costs of~~
27 ~~administering the programs authorized under this Act.~~

28 ~~(2) In fiscal years 1999, 2000, 2001, and 2002, after~~
29 ~~appropriation of the amounts authorized by item (1) of~~
30 ~~subsection (a) of this Section, the remaining moneys~~
31 ~~estimated to be collected during each fiscal year shall be~~
32 ~~appropriated as follows: 80% of the remaining moneys shall~~
33 ~~be appropriated to fund the programs authorized by Section~~

1 ~~30, and 20% shall be appropriated to fund the programs~~
2 ~~authorized by Section 25. In fiscal year 2004 and each~~
3 ~~fiscal year thereafter, after appropriation of the amounts~~
4 ~~authorized by item (1) of subsection (a) of this Section,~~
5 ~~the remaining moneys estimated to be collected during each~~
6 ~~fiscal year shall be appropriated as follows: 70% of the~~
7 ~~remaining moneys shall be appropriated to fund the programs~~
8 ~~authorized by Section 30 and 30% shall be appropriated to~~
9 ~~fund the programs authorized by Section 31.~~

10 ~~(3) (Blank).~~

11 ~~(4) Moneys appropriated to fund the programs~~
12 ~~authorized in Sections 25 and 30 shall be expended only~~
13 ~~after they have been collected and deposited into the~~
14 ~~Alternate Fuels Fund.~~

15 (b) General Revenue Fund Appropriations. General Revenue
16 Fund amounts appropriated to and deposited into the Alternate
17 Fuels Fund shall be distributed from the Alternate Fuels Fund
18 in the following manner:

19 (1) In each of fiscal years 2003 and 2004, an amount
20 not to exceed \$50,000 may be appropriated to the Department
21 of Commerce and Community Affairs (now Department of
22 Commerce and Economic Opportunity) from the Alternate
23 Fuels Fund to pay its costs of administering the programs
24 authorized by Sections 31 and 32.

25 (2) In each of fiscal years 2003 and 2004, an amount
26 not to exceed \$50,000 may be appropriated to the Department
27 of Commerce and Community Affairs (now Department of
28 Commerce and Economic Opportunity) to fund the programs
29 authorized by Section 32.

30 (3) In each of fiscal years 2003 and 2004, after
31 appropriation of the amounts authorized in items (1) and
32 (2) of subsection (b) of this Section, the remaining moneys
33 received from the General Revenue Fund shall be
34 appropriated as follows: 52.632% of the remaining moneys
35 shall be appropriated to fund the programs authorized by
36 Sections 25 and 30 and 47.368% of the remaining moneys

1 shall be appropriated to fund the programs authorized by
2 Section 31. The moneys appropriated to fund the programs
3 authorized by Sections 25 and 30 shall be used as follows:
4 20% shall be used to fund the programs authorized by
5 Section 25, and 80% shall be used to fund the programs
6 authorized by Section 30.

7 Moneys appropriated to fund the programs authorized in
8 Section 31 shall be expended only after they have been
9 deposited into the Alternate Fuels Fund.

10 (Source: P.A. 92-858, eff. 1-3-03; 93-32, eff. 7-1-03; revised
11 12-6-03.)

12 Section 165. The Environmental Impact Fee Law is amended by
13 changing Section 315 as follows:

14 (415 ILCS 125/315)

15 (Section scheduled to be repealed on January 1, 2013)

16 Sec. 315. Fee on receivers of fuel for sale or use;
17 collection and reporting. A person that is required to pay the
18 fee imposed by this Law shall pay the fee to the Department by
19 return showing all fuel purchased, acquired, or received and
20 sold, distributed or used during the preceding calendar month,
21 including losses of fuel as the result of evaporation or
22 shrinkage due to temperature variations, and such other
23 reasonable information as the Department may require. Losses of
24 fuel as the result of evaporation or shrinkage due to
25 temperature variations may not exceed 1% of the total gallons
26 in storage at the beginning of the month, plus the receipts of
27 gallonage during the month, minus the gallonage remaining in
28 storage at the end of the month. Any loss reported that is in
29 excess of this amount shall be subject to the fee imposed by
30 Section 310 of this Law. On and after July 1, 2001, for each
31 6-month period January through June, net losses of fuel (for
32 each category of fuel that is required to be reported on a
33 return) as the result of evaporation or shrinkage due to
34 temperature variations may not exceed 1% of the total gallons

1 in storage at the beginning of each January, plus the receipts
2 of gallonage each January through June, minus the gallonage
3 remaining in storage at the end of each June. On and after July
4 1, 2001, for each 6-month period July through December, net
5 losses of fuel (for each category of fuel that is required to
6 be reported on a return) as the result of evaporation or
7 shrinkage due to temperature variations may not exceed 1% of
8 the total gallons in storage at the beginning of each July,
9 plus the receipts of gallonage each July through December,
10 minus the gallonage remaining in storage at the end of each
11 December. Any net loss reported that is in excess of this
12 amount shall be subject to the fee imposed by Section 310 of
13 this Law. For purposes of this Section, "net loss" means the
14 number of gallons gained through temperature variations minus
15 the number of gallons lost through temperature variations or
16 evaporation for each of the respective 6-month periods.

17 The return shall be prescribed by the Department and shall
18 be filed between the 1st and 20th days of each calendar month.
19 The Department may, in its discretion, combine the return filed
20 under this Law with the return filed under Section 2b of the
21 Motor Fuel Tax Law. If the return is timely filed, the receiver
22 may take a discount of 2% through June 30, 2003, ~~and~~ 1.75%
23 through the effective date of this amendatory Act of the 94th
24 General Assembly, and 2% thereafter to reimburse himself for
25 the expenses incurred in keeping records, preparing and filing
26 returns, collecting and remitting the fee, and supplying data
27 to the Department on request. However, the discount applies
28 only to the amount of the fee payment that accompanies a return
29 that is timely filed in accordance with this Section.

30 (Source: P.A. 92-30, eff. 7-1-01; 93-32, eff. 6-20-03.)

31 Section 170. The Boiler and Pressure Vessel Safety Act is
32 amended by changing Section 13 as follows:

33 (430 ILCS 75/13) (from Ch. 111 1/2, par. 3214)

34 Sec. 13. Inspection fees. The owner or user of a boiler or

1 pressure vessel required by this Act to be inspected by the
2 Chief Inspector or his Deputy Inspector shall pay directly to
3 the Office of the State Fire Marshal, upon completion of
4 inspection, fees established by the Board.

5 ~~Fees~~ ~~On and after October 1, 2003, 50% of the fees for~~
6 ~~certification of boilers and pressure vessels as described in~~
7 ~~Section 11 shall be deposited into the General Revenue Fund and~~
8 ~~the remaining fees~~ received under this Act shall be deposited
9 in the Fire Prevention Fund.

10 (Source: P.A. 93-32, eff. 7-1-03.)

11 Section 175. The Illinois Commercial Feed Act of 1961 is
12 amended by changing Sections 6 and 14.3 as follows:

13 (505 ILCS 30/6) (from Ch. 56 1/2, par. 66.6)

14 Sec. 6. Inspection fees and reports.

15 (a) An inspection fee at the rate of \$0.16 ~~20 cents~~ per ton
16 shall be paid to the Director on commercial feed distributed in
17 this State by the person who first distributes the commercial
18 feed subject to the following:

19 (1) The inspection fee is not required on the first
20 distribution, if made to an Exempt Buyer, who with approval
21 from the Director, will become responsible for the fee.

22 (2) Customer-formula feeds are hereby exempted if the
23 inspection fee is paid on the commercial feeds which they
24 contain.

25 (3) A fee shall not be paid on a commercial feed if the
26 payment has been made by a previous distributor.

27 (4) In the case of pet food and specialty pet food
28 which are distributed in the State in packages of 10 pounds
29 or less, an annual fee of \$50 ~~\$75~~ shall be paid in lieu of
30 an inspection fee. The inspection fee required by
31 subsection (a) shall apply to pet food and specialty pet
32 food distribution in packages exceeding 10 pounds. All fees
33 collected pursuant to this Section shall be paid into the
34 Feed Control Fund in the State Treasury.

1 (b) The minimum inspection fee shall be \$25 every 6 months.

2 (c) Each person who is liable for the payment of the
3 inspection fee shall:

4 (1) File, not later than the last day of January and
5 July of each year, a statement setting forth the number of
6 net tons of commercial feeds distributed in this State
7 during the preceding calendar 6 months period; and upon
8 filing such statement shall pay the inspection fee at the
9 rate stated in paragraph (a) of this Section. This report
10 shall be made on a summary form provided by the Director or
11 on other forms as approved by the Director. If the tonnage
12 report is not filed and the inspection fee is not paid
13 within 15 days after the end of the filing date a
14 collection fee amounting to 10% of the inspection fee that
15 is due or \$50 whichever is greater, shall be assessed
16 against the person who is liable for the payment of the
17 inspection fee in addition to the inspection fee that is
18 due.

19 (2) Keep such records as may be necessary or required
20 by the Director to indicate accurately the tonnage of
21 commercial feed distributed in this State, and the Director
22 shall have the right to examine such records to verify
23 statements of tonnage. Failure to make an accurate
24 statement of tonnage or to pay the inspection fee or comply
25 as provided herein shall constitute sufficient cause for
26 the cancellation of all registrations or firm licenses on
27 file for the manufacturer or distributor.

28 (Source: P.A. 93-32, eff. 7-1-03.)

29 (505 ILCS 30/14.3) (from Ch. 56 1/2, par. 66.14.3)

30 Sec. 14.3. Feed Control Fund. There is created in the State
31 Treasury a special fund to be known as the Feed Control Fund.
32 All firm license, inspection, and penalty fees collected by the
33 Department under this Act shall be deposited in the Feed
34 Control Fund. ~~In addition, for the years 2004 and thereafter,~~
35 ~~\$22 of each annual fee collected by the Department pursuant to~~

1 ~~Section 6, paragraph 4 of this Act shall be deposited by the~~
2 ~~Department directly into the State's General Revenue Fund.~~ The
3 amount annually collected as fees shall be appropriated by the
4 General Assembly to the Department for activities related to
5 the enforcement of this Act.

6 (Source: P.A. 93-32, eff. 7-1-03.)

7 Section 180. The Illinois Fertilizer Act of 1961 is amended
8 by changing Sections 4 and 6 as follows:

9 (505 ILCS 80/4) (from Ch. 5, par. 55.4)

10 Sec. 4. Registration.

11 (a) Each brand and grade of commercial fertilizer shall be
12 registered before being distributed in this State. The
13 application for registration shall be submitted with a label or
14 facsimile of same to the Director on form furnished by the
15 Director, and shall be accompanied by a fee of \$10 per grade
16 within a brand. Upon approval by the Director a copy of the
17 registration shall be furnished to the applicant. All
18 registrations expire on December 31 of each year.

19 The application shall include the following information:

20 (1) The net weight

21 (2) The brand and grade

22 (3) The guaranteed analysis

23 (4) The name and address of the registrant.

24 (b) A distributor shall not be required to register any
25 brand of commercial fertilizer or custom mix which is already
26 registered under this Act by another person.

27 (c) The plant nutrient content of each and every commercial
28 fertilizer must remain uniform for the period of registration
29 and, in no case, shall the percentage of any guaranteed plant
30 nutrient element be changed in such a manner that the
31 crop-producing quality of the commercial fertilizer is
32 lowered.

33 (d) Each custom mixer shall register annually with the
34 Director on forms furnished by the Director. The application

1 for registration shall be accompanied by a fee of \$25 ~~\$50~~,
2 unless the custom mixer elects to register each mixture, paying
3 a fee of \$5 ~~\$10~~ per mixture. Upon approval by the Director, a
4 copy of the registration shall be furnished to the applicant.
5 All registrations expire on December 31 of each year.

6 (e) A custom mix as defined in section 3(f), prepared for
7 one consumer shall not be co-mingled with the custom mixed
8 fertilizer prepared for another consumer.

9 (f) All fees collected pursuant to this Section shall be
10 paid into the State treasury.

11 (Source: P.A. 93-32, eff. 7-1-03.)

12 (505 ILCS 80/6) (from Ch. 5, par. 55.6)

13 Sec. 6. Inspection fees.

14 (a) There shall be paid to the Director for all commercial
15 fertilizers or custom mix distributed in this State an
16 inspection fee at the rate of \$0.20 ~~25¢~~ per ton. Sales to
17 manufacturers or exchanges between them are hereby exempted
18 from the inspection fee.

19 On individual packages of commercial or custom mix or
20 specialty fertilizers containing 5 pounds or less, or if in
21 liquid form containers of 4,000 cubic centimeters or less,
22 there shall be paid instead of the \$0.20 ~~25¢~~ per ton inspection
23 fee, an annual inspection fee of \$25 for each grade within a
24 brand sold or distributed. Where a person sells commercial or
25 custom mix or specialty fertilizers in packages of 5 pounds or
26 less, or 4,000 cubic centimeters or less if in liquid form, and
27 also sells in larger packages than 5 pounds or liquid
28 containers larger than 4,000 cubic centimeters, this annual
29 inspection fee of \$25 applies only to that portion sold in
30 packages of 5 pounds or less or 4,000 cubic centimeters or
31 less, and that portion sold in larger packages or containers
32 shall be subject to the same inspection fee of \$0.20 ~~25¢~~ per
33 ton as provided in this Act. The increased fees shall be
34 effective after June 30, 1989.

35 (b) Every person who distributes a commercial fertilizer or

1 custom mix in this State shall file with the Director, on forms
2 furnished by the Director, a semi-annual statement for the
3 periods ending June 30 and December 31, setting forth the
4 number of net tons of each grade of commercial fertilizers
5 within a brand or the net tons of custom mix distributed. The
6 report shall be due on or before the 15th day of the month
7 following the close of each semi-annual period and upon the
8 statement shall pay the inspection fee at the rate stated in
9 paragraph (a) of this Section.

10 One half of the \$0.20 ~~25¢~~ per ton inspection fee shall be
11 paid into the Fertilizer Control Fund and all other fees
12 collected under this Section shall be paid into the State
13 treasury.

14 If the tonnage report is not filed and the payment of
15 inspection fee is not made within 30 days after the end of the
16 semi-annual period, a collection fee amounting to 10% (minimum
17 \$10) of the amount shall be assessed against the registrant.
18 The amount of fees due shall constitute a debt and become the
19 basis of a judgment against the registrant. Upon the written
20 request to the Director additional time may be granted past the
21 normal date of filing the semi-annual statement.

22 When more than one person is involved in the distribution
23 of a commercial fertilizer, the last registrant who distributes
24 to the non-registrant (dealer or consumer) is responsible for
25 reporting the tonnage and paying the inspection fee.

26 (Source: P.A. 93-32, eff. 7-1-03.)

27 Section 190. The Illinois Vehicle Code is amended by
28 changing Sections 2-119, 2-123, 2-124, 3-403, 3-405.1, 3-811,
29 5-101, 5-102, 6-118, 7-707, 18c-1501, 18c-1502.05, and
30 18c-1502.10 as follows:

31 (625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)

32 Sec. 2-119. Disposition of fees and taxes.

33 (a) All moneys received from Salvage Certificates shall be
34 deposited in the Common School Fund in the State Treasury.

1 (b) Beginning January 1, 1990 and concluding December 31,
2 1994, of the money collected for each certificate of title,
3 duplicate certificate of title and corrected certificate of
4 title, \$0.50 shall be deposited into the Used Tire Management
5 Fund. Beginning January 1, 1990 and concluding December 31,
6 1994, of the money collected for each certificate of title,
7 duplicate certificate of title and corrected certificate of
8 title, \$1.50 shall be deposited in the Park and Conservation
9 Fund.

10 Beginning January 1, 1995, of the money collected for each
11 certificate of title, duplicate certificate of title and
12 corrected certificate of title, \$2 shall be deposited in the
13 Park and Conservation Fund. The moneys deposited in the Park
14 and Conservation Fund pursuant to this Section shall be used
15 for the acquisition and development of bike paths as provided
16 for in Section 805-420 of the Department of Natural Resources
17 (Conservation) Law (20 ILCS 805/805-420).

18 Beginning January 1, 2000, of the moneys collected for each
19 certificate of title, duplicate certificate of title, and
20 corrected certificate of title, \$48 shall be deposited into the
21 Road Fund and \$4 shall be deposited into the Motor Vehicle
22 License Plate Fund, except that if the balance in the Motor
23 Vehicle License Plate Fund exceeds \$40,000,000 on the last day
24 of a calendar month, then during the next calendar month the \$4
25 shall instead be deposited into the Road Fund.

26 Beginning January 1, 2005, of the moneys collected for each
27 delinquent vehicle registration renewal fee, \$20 shall be
28 deposited into the General Revenue Fund.

29 Except as otherwise provided in this Code, all remaining
30 moneys collected for certificates of title, and all moneys
31 collected for filing of security interests, shall be placed in
32 the General Revenue Fund in the State Treasury.

33 (c) All moneys collected for that portion of a driver's
34 license fee designated for driver education under Section 6-118
35 shall be placed in the Driver Education Fund in the State
36 Treasury.

1 (d) Beginning January 1, 1999, of the monies collected as a
2 registration fee for each motorcycle, motor driven cycle and
3 motorized pedalcycle, 27% of each annual registration fee for
4 such vehicle and 27% of each semiannual registration fee for
5 such vehicle is deposited in the Cycle Rider Safety Training
6 Fund.

7 (e) Of the monies received by the Secretary of State as
8 registration fees or taxes or as payment of any other fee, as
9 provided in this Act, except fees received by the Secretary
10 under paragraph (7) of subsection (b) of Section 5-101 and
11 Section 5-109 of this Code, 37% shall be deposited into the
12 State Construction Fund.

13 (f) Of the total money collected for a CDL instruction
14 permit or original or renewal issuance of a commercial driver's
15 license (CDL) pursuant to the Uniform Commercial Driver's
16 License Act (UCDLA): (i) \$6 of the total fee for an original or
17 renewal CDL, and \$6 of the total CDL instruction permit fee
18 when such permit is issued to any person holding a valid
19 Illinois driver's license, shall be paid into the
20 CDLIS/AAMVAnet Trust Fund (Commercial Driver's License
21 Information System/American Association of Motor Vehicle
22 Administrators network Trust Fund) and shall be used for the
23 purposes provided in Section 6z-23 of the State Finance Act and
24 (ii) \$20 of the total fee for an original or renewal CDL or
25 commercial driver instruction permit shall be paid into the
26 Motor Carrier Safety Inspection Fund, which is hereby created
27 as a special fund in the State Treasury, to be used by the
28 Department of State Police, subject to appropriation, to hire
29 additional officers to conduct motor carrier safety
30 inspections pursuant to Chapter 18b of this Code.

31 (g) All remaining moneys received by the Secretary of State
32 as registration fees or taxes or as payment of any other fee,
33 as provided in this Act, except fees received by the Secretary
34 under paragraph (7) (A) of subsection (b) of Section 5-101 and
35 Section 5-109 of this Code, shall be deposited in the Road Fund
36 in the State Treasury. Moneys in the Road Fund shall be used

1 for the purposes provided in Section 8.3 of the State Finance
2 Act.

3 (h) (Blank).

4 (i) (Blank).

5 (j) (Blank).

6 (k) There is created in the State Treasury a special fund
7 to be known as the Secretary of State Special License Plate
8 Fund. Money deposited into the Fund shall, subject to
9 appropriation, be used by the Office of the Secretary of State
10 (i) to help defray plate manufacturing and plate processing
11 costs for the issuance and, when applicable, renewal of any new
12 or existing special registration plates authorized under this
13 Code and (ii) for grants made by the Secretary of State to
14 benefit Illinois Veterans Home libraries.

15 On or before October 1, 1995, the Secretary of State shall
16 direct the State Comptroller and State Treasurer to transfer
17 any unexpended balance in the Special Environmental License
18 Plate Fund, the Special Korean War Veteran License Plate Fund,
19 and the Retired Congressional License Plate Fund to the
20 Secretary of State Special License Plate Fund.

21 (l) The Motor Vehicle Review Board Fund is created as a
22 special fund in the State Treasury. Moneys deposited into the
23 Fund under paragraph (7) of subsection (b) of Section 5-101 and
24 Section 5-109 shall, subject to appropriation, be used by the
25 Office of the Secretary of State to administer the Motor
26 Vehicle Review Board, including without limitation payment of
27 compensation and all necessary expenses incurred in
28 administering the Motor Vehicle Review Board under the Motor
29 Vehicle Franchise Act.

30 (m) Effective July 1, 1996, there is created in the State
31 Treasury a special fund to be known as the Family
32 Responsibility Fund. Moneys deposited into the Fund shall,
33 subject to appropriation, be used by the Office of the
34 Secretary of State for the purpose of enforcing the Family
35 Financial Responsibility Law.

36 (n) The Illinois Fire Fighters' Memorial Fund is created as

1 a special fund in the State Treasury. Moneys deposited into the
2 Fund shall, subject to appropriation, be used by the Office of
3 the State Fire Marshal for construction of the Illinois Fire
4 Fighters' Memorial to be located at the State Capitol grounds
5 in Springfield, Illinois. Upon the completion of the Memorial,
6 moneys in the Fund shall be used in accordance with Section
7 3-634.

8 (o) Of the money collected for each certificate of title
9 for all-terrain vehicles and off-highway motorcycles, \$17
10 shall be deposited into the Off-Highway Vehicle Trails Fund.

11 (p) ~~(Blank). For audits conducted on or after July 1, 2003~~
12 ~~pursuant to Section 2-124(d) of this Code, 50% of the money~~
13 ~~collected as audit fees shall be deposited into the General~~
14 ~~Revenue Fund.~~

15 (Source: P.A. 92-16, eff. 6-28-01; 93-32, eff. 7-1-03; 93-840,
16 eff. 7-30-04.)

17 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

18 Sec. 2-123. Sale and Distribution of Information.

19 (a) Except as otherwise provided in this Section, the
20 Secretary may make the driver's license, vehicle and title
21 registration lists, in part or in whole, and any statistical
22 information derived from these lists available to local
23 governments, elected state officials, state educational
24 institutions, and all other governmental units of the State and
25 Federal Government requesting them for governmental purposes.
26 The Secretary shall require any such applicant for services to
27 pay for the costs of furnishing such services and the use of
28 the equipment involved, and in addition is empowered to
29 establish prices and charges for the services so furnished and
30 for the use of the electronic equipment utilized.

31 (b) The Secretary is further empowered to and he may, in
32 his discretion, furnish to any applicant, other than listed in
33 subsection (a) of this Section, vehicle or driver data on a
34 computer tape, disk, other electronic format or computer
35 processable medium, or printout at a fixed fee of \$250 for

1 orders received before October 1, 2003 and for orders received
2 on an after the effective date of this amendatory Act of the
3 94th General Assembly and \$500 for orders received on or after
4 October 1, 2003 until the effective date of this amendatory Act
5 of the 94th General Assembly, in advance, and require in
6 addition a further sufficient deposit based upon the Secretary
7 of State's estimate of the total cost of the information
8 requested and a charge of \$25 for orders received before
9 October 1, 2003 and for orders received on an after the
10 effective date of this amendatory Act of the 94th General
11 Assembly and \$50 for orders received on or after October 1,
12 2003 until the effective date of this amendatory Act of the
13 94th General Assembly, per 1,000 units or part thereof
14 identified or the actual cost, whichever is greater. The
15 Secretary is authorized to refund any difference between the
16 additional deposit and the actual cost of the request. This
17 service shall not be in lieu of an abstract of a driver's
18 record nor of a title or registration search. This service may
19 be limited to entities purchasing a minimum number of records
20 as required by administrative rule. The information sold
21 pursuant to this subsection shall be the entire vehicle or
22 driver data list, or part thereof. The information sold
23 pursuant to this subsection shall not contain personally
24 identifying information unless the information is to be used
25 for one of the purposes identified in subsection (f-5) of this
26 Section. Commercial purchasers of driver and vehicle record
27 databases shall enter into a written agreement with the
28 Secretary of State that includes disclosure of the commercial
29 use of the information to be purchased.

30 (b-1) The Secretary is further empowered to and may, in his
31 or her discretion, furnish vehicle or driver data on a computer
32 tape, disk, or other electronic format or computer processible
33 medium, at no fee, to any State or local governmental agency
34 that uses the information provided by the Secretary to transmit
35 data back to the Secretary that enables the Secretary to
36 maintain accurate driving records, including dispositions of

1 traffic cases. This information may be provided without fee not
2 more often than once every 6 months.

3 (c) Secretary of State may issue registration lists. The
4 Secretary of State shall compile and publish, at least
5 annually, a list of all registered vehicles. Each list of
6 registered vehicles shall be arranged serially according to the
7 registration numbers assigned to registered vehicles and shall
8 contain in addition the names and addresses of registered
9 owners and a brief description of each vehicle including the
10 serial or other identifying number thereof. Such compilation
11 may be in such form as in the discretion of the Secretary of
12 State may seem best for the purposes intended.

13 (d) The Secretary of State shall furnish no more than 2
14 current available lists of such registrations to the sheriffs
15 of all counties and to the chiefs of police of all cities and
16 villages and towns of 2,000 population and over in this State
17 at no cost. Additional copies may be purchased by the sheriffs
18 or chiefs of police at the fee of \$500 each or at the cost of
19 producing the list as determined by the Secretary of State.
20 Such lists are to be used for governmental purposes only.

21 (e) (Blank).

22 (e-1) (Blank).

23 (f) The Secretary of State shall make a title or
24 registration search of the records of his office and a written
25 report on the same for any person, upon written application of
26 such person, accompanied by a fee of \$5 for each registration
27 or title search. The written application shall set forth the
28 intended use of the requested information. No fee shall be
29 charged for a title or registration search, or for the
30 certification thereof requested by a government agency. The
31 report of the title or registration search shall not contain
32 personally identifying information unless the request for a
33 search was made for one of the purposes identified in
34 subsection (f-5) of this Section. The report of the title or
35 registration search shall not contain highly restricted
36 personal information unless specifically authorized by this

1 Code.

2 The Secretary of State shall certify a title or
3 registration record upon written request. The fee for
4 certification shall be \$5 in addition to the fee required for a
5 title or registration search. Certification shall be made under
6 the signature of the Secretary of State and shall be
7 authenticated by Seal of the Secretary of State.

8 The Secretary of State may notify the vehicle owner or
9 registrant of the request for purchase of his title or
10 registration information as the Secretary deems appropriate.

11 No information shall be released to the requestor until
12 expiration of a 10 day period. This 10 day period shall not
13 apply to requests for information made by law enforcement
14 officials, government agencies, financial institutions,
15 attorneys, insurers, employers, automobile associated
16 businesses, persons licensed as a private detective or firms
17 licensed as a private detective agency under the Private
18 Detective, Private Alarm, Private Security, and Locksmith Act
19 of 2004, who are employed by or are acting on behalf of law
20 enforcement officials, government agencies, financial
21 institutions, attorneys, insurers, employers, automobile
22 associated businesses, and other business entities for
23 purposes consistent with the Illinois Vehicle Code, the vehicle
24 owner or registrant or other entities as the Secretary may
25 exempt by rule and regulation.

26 Any misrepresentation made by a requestor of title or
27 vehicle information shall be punishable as a petty offense,
28 except in the case of persons licensed as a private detective
29 or firms licensed as a private detective agency which shall be
30 subject to disciplinary sanctions under Section 40-10 of the
31 Private Detective, Private Alarm, Private Security, and
32 Locksmith Act of 2004.

33 (f-5) The Secretary of State shall not disclose or
34 otherwise make available to any person or entity any personally
35 identifying information obtained by the Secretary of State in
36 connection with a driver's license, vehicle, or title

1 registration record unless the information is disclosed for one
2 of the following purposes:

3 (1) For use by any government agency, including any
4 court or law enforcement agency, in carrying out its
5 functions, or any private person or entity acting on behalf
6 of a federal, State, or local agency in carrying out its
7 functions.

8 (2) For use in connection with matters of motor vehicle
9 or driver safety and theft; motor vehicle emissions; motor
10 vehicle product alterations, recalls, or advisories;
11 performance monitoring of motor vehicles, motor vehicle
12 parts, and dealers; and removal of non-owner records from
13 the original owner records of motor vehicle manufacturers.

14 (3) For use in the normal course of business by a
15 legitimate business or its agents, employees, or
16 contractors, but only:

17 (A) to verify the accuracy of personal information
18 submitted by an individual to the business or its
19 agents, employees, or contractors; and

20 (B) if such information as so submitted is not
21 correct or is no longer correct, to obtain the correct
22 information, but only for the purposes of preventing
23 fraud by, pursuing legal remedies against, or
24 recovering on a debt or security interest against, the
25 individual.

26 (4) For use in research activities and for use in
27 producing statistical reports, if the personally
28 identifying information is not published, redisclosed, or
29 used to contact individuals.

30 (5) For use in connection with any civil, criminal,
31 administrative, or arbitral proceeding in any federal,
32 State, or local court or agency or before any
33 self-regulatory body, including the service of process,
34 investigation in anticipation of litigation, and the
35 execution or enforcement of judgments and orders, or
36 pursuant to an order of a federal, State, or local court.

1 (6) For use by any insurer or insurance support
2 organization or by a self-insured entity or its agents,
3 employees, or contractors in connection with claims
4 investigation activities, antifraud activities, rating, or
5 underwriting.

6 (7) For use in providing notice to the owners of towed
7 or impounded vehicles.

8 (8) For use by any person licensed as a private
9 detective or firm licensed as a private detective agency
10 under the Private Detective, Private Alarm, Private
11 Security, and Locksmith Act of 1993, private investigative
12 agency or security service licensed in Illinois for any
13 purpose permitted under this subsection.

14 (9) For use by an employer or its agent or insurer to
15 obtain or verify information relating to a holder of a
16 commercial driver's license that is required under chapter
17 313 of title 49 of the United States Code.

18 (10) For use in connection with the operation of
19 private toll transportation facilities.

20 (11) For use by any requester, if the requester
21 demonstrates it has obtained the written consent of the
22 individual to whom the information pertains.

23 (12) For use by members of the news media, as defined
24 in Section 1-148.5, for the purpose of newsgathering when
25 the request relates to the operation of a motor vehicle or
26 public safety.

27 (13) For any other use specifically authorized by law,
28 if that use is related to the operation of a motor vehicle
29 or public safety.

30 (f-6) The Secretary of State shall not disclose or
31 otherwise make available to any person or entity any highly
32 restricted personal information obtained by the Secretary of
33 State in connection with a driver's license, vehicle, or title
34 registration record unless specifically authorized by this
35 Code.

36 (g) 1. The Secretary of State may, upon receipt of a

1 written request and a fee of \$6 before October 1, 2003 and
2 on and after the effective date of this amendatory Act of
3 the 94th General Assembly and a fee of \$12 on and after
4 October 1, 2003 until the effective date of this amendatory
5 Act of the 94th General Assembly, furnish to the person or
6 agency so requesting a driver's record. Such document may
7 include a record of: current driver's license issuance
8 information, except that the information on judicial
9 driving permits shall be available only as otherwise
10 provided by this Code; convictions; orders entered
11 revoking, suspending or cancelling a driver's license or
12 privilege; and notations of accident involvement. All
13 other information, unless otherwise permitted by this
14 Code, shall remain confidential. Information released
15 pursuant to a request for a driver's record shall not
16 contain personally identifying information, unless the
17 request for the driver's record was made for one of the
18 purposes set forth in subsection (f-5) of this Section.

19 2. The Secretary of State shall not disclose or
20 otherwise make available to any person or entity any highly
21 restricted personal information obtained by the Secretary
22 of State in connection with a driver's license, vehicle, or
23 title registration record unless specifically authorized
24 by this Code. The Secretary of State may certify an
25 abstract of a driver's record upon written request
26 therefor. Such certification shall be made under the
27 signature of the Secretary of State and shall be
28 authenticated by the Seal of his office.

29 3. All requests for driving record information shall be
30 made in a manner prescribed by the Secretary and shall set
31 forth the intended use of the requested information.

32 The Secretary of State may notify the affected driver
33 of the request for purchase of his driver's record as the
34 Secretary deems appropriate.

35 No information shall be released to the requester until
36 expiration of a 10 day period. This 10 day period shall not

1 apply to requests for information made by law enforcement
2 officials, government agencies, financial institutions,
3 attorneys, insurers, employers, automobile associated
4 businesses, persons licensed as a private detective or
5 firms licensed as a private detective agency under the
6 Private Detective, Private Alarm, Private Security, and
7 Locksmith Act of 2004, who are employed by or are acting on
8 behalf of law enforcement officials, government agencies,
9 financial institutions, attorneys, insurers, employers,
10 automobile associated businesses, and other business
11 entities for purposes consistent with the Illinois Vehicle
12 Code, the affected driver or other entities as the
13 Secretary may exempt by rule and regulation.

14 Any misrepresentation made by a requestor of driver
15 information shall be punishable as a petty offense, except
16 in the case of persons licensed as a private detective or
17 firms licensed as a private detective agency which shall be
18 subject to disciplinary sanctions under Section 40-10 of
19 the Private Detective, Private Alarm, Private Security,
20 and Locksmith Act of 2004.

21 4. The Secretary of State may furnish without fee, upon
22 the written request of a law enforcement agency, any
23 information from a driver's record on file with the
24 Secretary of State when such information is required in the
25 enforcement of this Code or any other law relating to the
26 operation of motor vehicles, including records of
27 dispositions; documented information involving the use of
28 a motor vehicle; whether such individual has, or previously
29 had, a driver's license; and the address and personal
30 description as reflected on said driver's record.

31 5. Except as otherwise provided in this Section, the
32 Secretary of State may furnish, without fee, information
33 from an individual driver's record on file, if a written
34 request therefor is submitted by any public transit system
35 or authority, public defender, law enforcement agency, a
36 state or federal agency, or an Illinois local

1 intergovernmental association, if the request is for the
2 purpose of a background check of applicants for employment
3 with the requesting agency, or for the purpose of an
4 official investigation conducted by the agency, or to
5 determine a current address for the driver so public funds
6 can be recovered or paid to the driver, or for any other
7 purpose set forth in subsection (f-5) of this Section.

8 The Secretary may also furnish the courts a copy of an
9 abstract of a driver's record, without fee, subsequent to
10 an arrest for a violation of Section 11-501 or a similar
11 provision of a local ordinance. Such abstract may include
12 records of dispositions; documented information involving
13 the use of a motor vehicle as contained in the current
14 file; whether such individual has, or previously had, a
15 driver's license; and the address and personal description
16 as reflected on said driver's record.

17 6. Any certified abstract issued by the Secretary of
18 State or transmitted electronically by the Secretary of
19 State pursuant to this Section, to a court or on request of
20 a law enforcement agency, for the record of a named person
21 as to the status of the person's driver's license shall be
22 prima facie evidence of the facts therein stated and if the
23 name appearing in such abstract is the same as that of a
24 person named in an information or warrant, such abstract
25 shall be prima facie evidence that the person named in such
26 information or warrant is the same person as the person
27 named in such abstract and shall be admissible for any
28 prosecution under this Code and be admitted as proof of any
29 prior conviction or proof of records, notices, or orders
30 recorded on individual driving records maintained by the
31 Secretary of State.

32 7. Subject to any restrictions contained in the
33 Juvenile Court Act of 1987, and upon receipt of a proper
34 request and a fee of \$6 before October 1, 2003 and on and
35 after the effective date of this amendatory Act of the 94th
36 General Assembly and a fee of \$12 on or after October 1,

1 2003 until the effective date of this amendatory Act of the
2 94th General Assembly, the Secretary of State shall provide
3 a driver's record to the affected driver, or the affected
4 driver's attorney, upon verification. Such record shall
5 contain all the information referred to in paragraph 1 of
6 this subsection (g) plus: any recorded accident
7 involvement as a driver; information recorded pursuant to
8 subsection (e) of Section 6-117 and paragraph (4) of
9 subsection (a) of Section 6-204 of this Code. All other
10 information, unless otherwise permitted by this Code,
11 shall remain confidential.

12 (h) The Secretary shall not disclose social security
13 numbers or any associated information obtained from the Social
14 Security Administration except pursuant to a written request
15 by, or with the prior written consent of, the individual
16 except: (1) to officers and employees of the Secretary who have
17 a need to know the social security numbers in performance of
18 their official duties, (2) to law enforcement officials for a
19 lawful, civil or criminal law enforcement investigation, and if
20 the head of the law enforcement agency has made a written
21 request to the Secretary specifying the law enforcement
22 investigation for which the social security numbers are being
23 sought, (3) to the United States Department of Transportation,
24 or any other State, pursuant to the administration and
25 enforcement of the Commercial Motor Vehicle Safety Act of 1986,
26 (4) pursuant to the order of a court of competent jurisdiction,
27 or (5) to the Department of Healthcare and Family Services
28 (formerly Department of Public Aid) for utilization in the
29 child support enforcement duties assigned to that Department
30 under provisions of the Illinois Public Aid Code after the
31 individual has received advanced meaningful notification of
32 what redisclosure is sought by the Secretary in accordance with
33 the federal Privacy Act.

34 (i) (Blank).

35 (j) Medical statements or medical reports received in the
36 Secretary of State's Office shall be confidential. No

1 confidential information may be open to public inspection or
2 the contents disclosed to anyone, except officers and employees
3 of the Secretary who have a need to know the information
4 contained in the medical reports and the Driver License Medical
5 Advisory Board, unless so directed by an order of a court of
6 competent jurisdiction.

7 (k) All fees collected under this Section shall be paid
8 into the Road Fund of the State Treasury, except that (i) for
9 fees collected before October 1, 2003, \$3 of the \$6 fee for a
10 driver's record shall be paid into the Secretary of State
11 Special Services Fund, (ii) for fees collected on and after
12 October 1, 2003 until the effective date of this amendatory Act
13 of the 94th General Assembly, of the \$12 fee for a driver's
14 record, \$3 shall be paid into the Secretary of State Special
15 Services Fund and \$6 shall be paid into the General Revenue
16 Fund, and (iii) for fees collected on and after October 1, 2003
17 until the effective date of this amendatory Act of the 94th
18 General Assembly, 50% of the amounts collected pursuant to
19 subsection (b) shall be paid into the General Revenue Fund.

20 (l) (Blank).

21 (m) Notations of accident involvement that may be disclosed
22 under this Section shall not include notations relating to
23 damage to a vehicle or other property being transported by a
24 tow truck. This information shall remain confidential,
25 provided that nothing in this subsection (m) shall limit
26 disclosure of any notification of accident involvement to any
27 law enforcement agency or official.

28 (n) Requests made by the news media for driver's license,
29 vehicle, or title registration information may be furnished
30 without charge or at a reduced charge, as determined by the
31 Secretary, when the specific purpose for requesting the
32 documents is deemed to be in the public interest. Waiver or
33 reduction of the fee is in the public interest if the principal
34 purpose of the request is to access and disseminate information
35 regarding the health, safety, and welfare or the legal rights
36 of the general public and is not for the principal purpose of

1 gaining a personal or commercial benefit. The information
2 provided pursuant to this subsection shall not contain
3 personally identifying information unless the information is
4 to be used for one of the purposes identified in subsection
5 (f-5) of this Section.

6 (o) The redisclosure of personally identifying information
7 obtained pursuant to this Section is prohibited, except to the
8 extent necessary to effectuate the purpose for which the
9 original disclosure of the information was permitted.

10 (p) The Secretary of State is empowered to adopt rules to
11 effectuate this Section.

12 (Source: P.A. 93-32, eff. 7-1-03; 93-438, eff. 8-5-03; 93-895,
13 eff. 1-1-05; 94-56, eff. 6-17-05; revised 12-15-05.)

14 (625 ILCS 5/2-124) (from Ch. 95 1/2, par. 2-124)

15 Sec. 2-124. Audits, interest and penalties.

16 (a) Audits. The Secretary of State or employees and agents
17 designated by him, may audit the books, records, tax returns,
18 reports, and any and all other pertinent records or documents
19 of any person licensed or registered, or required to be
20 licensed or registered, under any provisions of this Act, for
21 the purpose of determining whether such person has not paid any
22 fees or taxes required to be paid to the Secretary of State and
23 due to the State of Illinois. For purposes of this Section,
24 "person" means an individual, corporation, or partnership, or
25 an officer or an employee of any corporation, including a
26 dissolved corporation, or a member or an employee of any
27 partnership, who as an officer, employee, or member under a
28 duty to perform the act in respect to which the violation
29 occurs.

30 (b) Joint Audits. The Secretary of State may enter into
31 reciprocal audit agreements with officers, agents or agencies
32 of another State or States, for joint audits of any person
33 subject to audit under this Act.

34 (c) Special Audits. If the Secretary of State is not
35 satisfied with the books, records and documents made available

1 for an audit, or if the Secretary of State is unable to
2 determine therefrom whether any fees or taxes are due to the
3 State of Illinois, or if there is cause to believe that the
4 person audited has declined or refused to supply the books,
5 records and documents necessary to determine whether a
6 deficiency exists, the Secretary of State may either seek a
7 court order for production of any and all books, records and
8 documents he deems relevant and material, or, in his
9 discretion, the Secretary of State may instead give written
10 notice to such person requiring him to produce any and all
11 books, records and documents necessary to properly audit and
12 determine whether any fees or taxes are due to the State of
13 Illinois. If such person fails, refuses or declines to comply
14 with either the court order or written notice within the time
15 specified, the Secretary of State shall then order a special
16 audit at the expense of the person affected. Upon completion of
17 the special audit, the Secretary of State shall determine if
18 any fees or taxes required to be paid under this Act have not
19 been paid, and make an assessment of any deficiency based upon
20 the books, records and documents available to him, and in an
21 assessment, he may rely upon records of other persons having an
22 operation similar to that of the person audited specially. A
23 person audited specially and subject to a court order and in
24 default thereof, shall in addition, be subject to any penalty
25 or punishment imposed by the court entering the order.

26 (d) Deficiency; Audit Costs. When a deficiency is found and
27 any fees or taxes required to be paid under this Act have not
28 been paid to the State of Illinois, the Secretary of State may
29 impose an audit fee of \$50 ~~\$100~~ per day, or \$25 ~~\$50~~ per
30 half-day, per auditor, plus in the case of out-of-state travel,
31 transportation expenses incurred by the auditor or auditors.
32 Where more than one person is audited on the same out-of-state
33 trip, the additional transportation expenses may be
34 apportioned. The actual costs of a special audit shall be
35 imposed upon the person audited.

36 (e) Interest. When a deficiency is found and any fees or

1 taxes required to be paid under this Act have not been paid to
2 the State of Illinois, the amount of the deficiency, if greater
3 than \$100 for all registration years examined, shall also bear
4 interest at the rate of 1/2 of 1% per month or fraction
5 thereof, from the date when the fee or tax due should have been
6 paid under the provisions of this Act, subject to a maximum of
7 6% per annum.

8 (f) Willful Negligence. When a deficiency is determined by
9 the Secretary to be caused by the willful neglect or negligence
10 of the person audited, an additional 10% penalty, that is 10%
11 of the amount of the deficiency or assessment, shall be
12 imposed, and the 10% penalty shall bear interest at the rate of
13 1/2 of 1% on and after the 30th day after the penalty is
14 imposed until paid in full.

15 (g) Fraud or Evasion. When a deficiency is determined by
16 the Secretary to be caused by fraud or willful evasion of the
17 provisions of this Act, an additional penalty, that is 20% of
18 the amount of the deficiency or assessment, shall be imposed,
19 and the 20% penalty shall bear interest at the rate of 1/2 of
20 1% on and after the 30th day after the penalty is imposed until
21 paid in full.

22 (h) Notice. The Secretary of State shall give written
23 notice to any person audited, of the amount of any deficiency
24 found or assessment made, of the costs of an audit or special
25 audit, and of the penalty imposed, and payment shall be made
26 within 30 days of the date of the notice unless such person
27 petitions for a hearing.

28 However, except in the case of fraud or willful evasion, or
29 the inaccessibility of books and records for audit or with the
30 express consent of the person audited, no notice of a
31 deficiency or assessment shall be issued by the Secretary for
32 more than 3 registration years. This limitation shall commence
33 on any January 1 as to calendar year registrations and on any
34 July 1 as to fiscal year registrations. This limitation shall
35 not apply for any period during which the person affected has
36 declined or refuses to make his books and records available for

1 audit, nor during any period of time in which an Order of any
2 Court has the effect of enjoining or restraining the Secretary
3 from making an audit or issuing a notice. Notwithstanding, each
4 person licensed under the International Registration Plan and
5 audited by this State or any member jurisdiction shall follow
6 the assessment and refund procedures as adopted and amended by
7 the International Registration Plan members. The Secretary of
8 State shall have the final decision as to which registrants may
9 be subject to the netting of audit fees as outlined in the
10 International Registration Plan. Persons audited may be
11 subject to a review process to determine the final outcome of
12 the audit finding. This process shall follow the adopted
13 procedure as outlined in the International Registration Plan.
14 All decisions by the IRP designated tribunal shall be binding.

15 (i) Every person subject to licensing or registration and
16 audit under the provisions of this Chapter shall retain all
17 pertinent licensing and registration documents, books,
18 records, tax returns, reports and all supporting records and
19 documents for a period of 4 years.

20 (j) Hearings. Any person receiving written notice of a
21 deficiency or assessment may, within 30 days after the date of
22 the notice, petition for a hearing before the Secretary of
23 State or his duly appointed hearing officer to contest the
24 audit in whole or in part, and the petitioner shall
25 simultaneously file a certified check or money order, or
26 certificate of deposit, or a surety bond approved by the
27 Secretary in the amount of the deficiency or assessment.
28 Hearings shall be held pursuant to the provisions of Section
29 2-118 of this Act.

30 (k) Judgments. The Secretary of State may enforce any
31 notice of deficiency or assessment pursuant to the provisions
32 of Section 3-831 of this Act.

33 (Source: P.A. 92-69, eff. 7-12-01; 93-32, eff. 7-1-03.)

34 (625 ILCS 5/3-403) (from Ch. 95 1/2, par. 3-403)

35 Sec. 3-403. Trip and Short-term permits.

1 (a) The Secretary of State may issue a short-term permit to
2 operate a nonregistered first or second division vehicle within
3 the State of Illinois for a period of not more than 7 days. Any
4 second division vehicle operating on such permit may operate
5 only on empty weight. The fee for the short-term permit shall
6 be \$6 for permits purchased on or before June 30, 2003 and on
7 or after the effective date of this amendatory Act of the 94th
8 General Assembly and \$10 for permits purchased on or after July
9 1, 2003 until the effective date of this amendatory Act of the
10 94th General Assembly. For short-term permits purchased on or
11 after July 1, 2003 until the effective date of this amendatory
12 Act of the 94th General Assembly, \$4 of the fee collected for
13 the purchase of each permit shall be deposited into the General
14 Revenue Fund.

15 This permit may also be issued to operate an unladen
16 registered vehicle which is suspended under the Vehicle
17 Emissions Inspection Law and allow it to be driven on the roads
18 and highways of the State in order to be repaired or when
19 travelling to and from an emissions inspection station.

20 (b) The Secretary of State may, subject to reciprocal
21 agreements, arrangements or declarations made or entered into
22 pursuant to Section 3-402, 3-402.4 or by rule, provide for and
23 issue registration permits for the use of Illinois highways by
24 vehicles of the second division on an occasional basis or for a
25 specific and special short-term use, in compliance with rules
26 and regulations promulgated by the Secretary of State, and upon
27 payment of the prescribed fee as follows:

28 One-trip permits. A registration permit for one trip, or
29 one round-trip into and out of Illinois, for a period not to
30 exceed 72 consecutive hours or 3 calendar days may be provided,
31 for a fee as prescribed in Section 3-811.

32 One-Month permits. A registration permit for 30 days may be
33 provided for a fee of \$13 for registration plus 1/10 of the
34 flat weight tax. The minimum fee for such permit shall be \$31.

35 In-transit permits. A registration permit for one trip may
36 be provided for vehicles in transit by the driveaway or towaway

1 method and operated by a transporter in compliance with the
2 Illinois Motor Carrier of Property Law, for a fee as prescribed
3 in Section 3-811.

4 Illinois Temporary Apportionment Authorization Permits. An
5 apportionment authorization permit for forty-five days for the
6 immediate operation of a vehicle upon application for and prior
7 to receiving apportioned credentials or interstate credentials
8 from the State of Illinois. The fee for such permit shall be
9 \$3.

10 Illinois Temporary Prorate Authorization Permit. A prorate
11 authorization permit for forty-five days for the immediate
12 operation of a vehicle upon application for and prior to
13 receiving prorate credentials or interstate credentials from
14 the State of Illinois. The fee for such permit shall be \$3.

15 (c) The Secretary of State shall promulgate by such rule or
16 regulation, schedules of fees and taxes for such permits and in
17 computing the amount or amounts due, may round off such amount
18 to the nearest full dollar amount.

19 (d) The Secretary of State shall further prescribe the form
20 of application and permit and may require such information and
21 data as necessary and proper, including confirming the status
22 or identity of the applicant and the vehicle in question.

23 (e) Rules or regulations promulgated by the Secretary of
24 State under this Section shall provide for reasonable and
25 proper limitations and restrictions governing the application
26 for and issuance and use of permits, and shall provide for the
27 number of permits per vehicle or per applicant, so as to
28 preclude evasion of annual registration requirements as may be
29 required by this Act.

30 (f) Any permit under this Section is subject to suspension
31 or revocation under this Act, and in addition, any such permit
32 is subject to suspension or revocation should the Secretary of
33 State determine that the vehicle identified in any permit
34 should be properly registered in Illinois. In the event any
35 such permit is suspended or revoked, the permit is then null
36 and void, may not be re-instated, nor is a refund therefor

1 available. The vehicle identified in such permit may not
2 thereafter be operated in Illinois without being properly
3 registered as provided in this Chapter.

4 (Source: P.A. 92-680, eff. 7-16-02; 93-32, eff. 7-1-03.)

5 (625 ILCS 5/3-405.1) (from Ch. 95 1/2, par. 3-405.1)

6 Sec. 3-405.1. Application for vanity and personalized
7 license plates.

8 (a) Vanity license plates mean any license plates, assigned
9 to a passenger motor vehicle of the first division, to a motor
10 vehicle of the second division registered at not more than
11 8,000 pounds or to a recreational vehicle, which display a
12 registration number containing 4 ~~±~~ to 7 letters ~~and no numbers~~
13 ~~or 1, 2, or 3 numbers and no letters~~ as requested by the owner
14 of the vehicle and license plates issued to retired members of
15 Congress under Section 3-610.1 or to retired members of the
16 General Assembly as provided in Section 3-606.1. A license
17 plate consisting of 3 letters and no numbers or of 1, 2, or 3
18 numbers, upon its becoming available, is a vanity license
19 plate. Personalized license plates mean any license plates,
20 assigned to a passenger motor vehicle of the first division, to
21 a motor vehicle of the second division ~~registered at not more~~
22 ~~than 8,000 pounds,~~ or to a recreational vehicle, which display
23 a registration number containing a combination ~~one of the~~
24 ~~following combinations~~ of letters and numbers as prescribed by
25 rule, as requested by the owner of the vehicle. ~~±~~

26 ~~Standard Passenger Plates~~

27 ~~First Division Vehicles~~

28 ~~1 letter plus 0-99~~

29 ~~2 letters plus 0-99~~

30 ~~3 letters plus 0-99~~

31 ~~4 letters plus 0-99~~

32 ~~5 letters plus 0-99~~

33 ~~6 letters plus 0-9~~

1 ~~Second Division Vehicles~~

2 ~~8,000 pounds or less and Recreation Vehicles~~

3 ~~0-999 plus 1 letter~~

4 ~~0-999 plus 2 letters~~

5 ~~0-999 plus 3 letters~~

6 ~~0-99 plus 4 letters~~

7 ~~0-9 plus 5 letters~~

8 (b) For any registration period commencing after the
9 effective date of this amendatory Act of the 94th General
10 Assembly December 31, 2003, any person who is the registered
11 owner of a passenger motor vehicle of the first division, of a
12 motor vehicle of the second division registered at not more
13 than 8,000 pounds or of a recreational vehicle registered with
14 the Secretary of State or who makes application for an original
15 registration of such a motor vehicle or renewal registration of
16 such a motor vehicle may, upon payment of a fee prescribed in
17 Section 3-806.1 ~~or Section 3-806.5~~, apply to the Secretary of
18 State for ~~vanity or~~ personalized license plates.

19 (c) Except as otherwise provided in this Chapter 3, vanity
20 and personalized license plates as issued under this Section
21 shall be the same color and design as other passenger vehicle
22 license plates and shall not in any manner conflict with any
23 other existing passenger, commercial, trailer, motorcycle, or
24 special license plate series. However, special registration
25 plates issued under Sections 3-611 and 3-616 for vehicles
26 operated by or for persons with disabilities may also be vanity
27 or personalized license plates.

28 (d) Vanity and personalized license plates shall be issued
29 only to the registered owner of the vehicle on which they are
30 to be displayed, except as provided in Sections 3-611 and 3-616
31 for special registration plates for vehicles operated by or for
32 persons with disabilities.

33 (e) An applicant for the issuance of vanity or personalized

1 license plates or subsequent renewal thereof shall file an
2 application in such form and manner and by such date as the
3 Secretary of State may, in his discretion, require.

4 No vanity nor personalized license plates shall be
5 approved, manufactured, or distributed that contain any
6 characters, symbols other than the international accessibility
7 symbol for vehicles operated by or for persons with
8 disabilities, foreign words, or letters of punctuation.

9 (f) Vanity and personalized license plates as issued
10 pursuant to this Act may be subject to the Staggered
11 Registration System as prescribed by the Secretary of State.

12 (Source: P.A. 92-651, eff. 7-11-02; 93-32, eff. 7-1-03.)

13 (625 ILCS 5/3-811) (from Ch. 95 1/2, par. 3-811)

14 Sec. 3-811. Drive-away and other permits - Fees.

15 (a) Dealers may obtain drive-away permits for use as
16 provided in this Code, for a fee of \$6 per permit for permits
17 purchased on or before June 30, 2003 and on and after the
18 effective date of this amendatory Act of the 94th General
19 Assembly and \$10 for permits purchased on or after July 1, 2003
20 until the effective date of this amendatory Act of the 94th
21 General Assembly. For drive-away permits purchased on or after
22 July 1, 2003 until the effective date of this amendatory Act of
23 the 94th General Assembly, \$4 of the fee collected for the
24 purchase of each permit shall be deposited into the General
25 Revenue Fund.

26 (b) Transporters may obtain one-trip permits for vehicles
27 in transit for use as provided in this Code, for a fee of \$6 per
28 permit for permits purchased on or before June 30, 2003 and on
29 and after the effective date of this amendatory Act of the 94th
30 General Assembly and \$10 for permits purchased on or after July
31 1, 2003 until the effective date of this amendatory Act of the
32 94th General Assembly. For one-trip permits purchased on or
33 after July 1, 2003 until the effective date of this amendatory
34 Act of the 94th General Assembly, \$4 of the fee collected from
35 the purchase of each permit shall be deposited into the General

1 Revenue Fund.

2 (c) Non-residents may likewise obtain a drive-away permit
3 from the Secretary of State to export a motor vehicle purchased
4 in Illinois, for a fee of \$6 per permit for permits purchased
5 on or before June 30, 2003 and on and after the effective date
6 of this amendatory Act of the 94th General Assembly and \$10 for
7 permits purchased on or after July 1, 2003 until the effective
8 date of this amendatory Act of the 94th General Assembly. For
9 drive-away permits purchased on or after July 1, 2003 until the
10 effective date of this amendatory Act of the 94th General
11 Assembly, \$4 of the fee collected for the purchase of each
12 permit shall be deposited into the General Revenue Fund.

13 (d) One-trip permits may be obtained for an occasional
14 single trip by a vehicle as provided in this Code, upon payment
15 of a fee of \$19.

16 (e) One month permits may likewise be obtained for the fees
17 and taxes prescribed in this Code and as promulgated by the
18 Secretary of State.

19 (Source: P.A. 92-680, eff. 7-16-02; 93-32, eff. 7-1-03.)

20 (625 ILCS 5/5-101) (from Ch. 95 1/2, par. 5-101)

21 Sec. 5-101. New vehicle dealers must be licensed.

22 (a) No person shall engage in this State in the business of
23 selling or dealing in, on consignment or otherwise, new
24 vehicles of any make, or act as an intermediary or agent or
25 broker for any licensed dealer or vehicle purchaser other than
26 as a salesperson, or represent or advertise that he is so
27 engaged or intends to so engage in such business unless
28 licensed to do so in writing by the Secretary of State under
29 the provisions of this Section.

30 (b) An application for a new vehicle dealer's license shall
31 be filed with the Secretary of State, duly verified by oath, on
32 such form as the Secretary of State may by rule or regulation
33 prescribe and shall contain:

34 1. The name and type of business organization of the
35 applicant and his established and additional places of

1 business, if any, in this State.

2 2. If the applicant is a corporation, a list of its
3 officers, directors, and shareholders having a ten percent
4 or greater ownership interest in the corporation, setting
5 forth the residence address of each; if the applicant is a
6 sole proprietorship, a partnership, an unincorporated
7 association, a trust, or any similar form of business
8 organization, the name and residence address of the
9 proprietor or of each partner, member, officer, director,
10 trustee, or manager.

11 3. The make or makes of new vehicles which the
12 applicant will offer for sale at retail in this State.

13 4. The name of each manufacturer or franchised
14 distributor, if any, of new vehicles with whom the
15 applicant has contracted for the sale of such new vehicles.
16 As evidence of this fact, the application shall be
17 accompanied by a signed statement from each such
18 manufacturer or franchised distributor. If the applicant
19 is in the business of offering for sale new conversion
20 vehicles, trucks or vans, except for trucks modified to
21 serve a special purpose which includes but is not limited
22 to the following vehicles: street sweepers, fertilizer
23 spreaders, emergency vehicles, implements of husbandry or
24 maintenance type vehicles, he must furnish evidence of a
25 sales and service agreement from both the chassis
26 manufacturer and second stage manufacturer.

27 5. A statement that the applicant has been approved for
28 registration under the Retailers' Occupation Tax Act by the
29 Department of Revenue: Provided that this requirement does
30 not apply to a dealer who is already licensed hereunder
31 with the Secretary of State, and who is merely applying for
32 a renewal of his license. As evidence of this fact, the
33 application shall be accompanied by a certification from
34 the Department of Revenue showing that that Department has
35 approved the applicant for registration under the
36 Retailers' Occupation Tax Act.

1 6. A statement that the applicant has complied with the
2 appropriate liability insurance requirement. A Certificate
3 of Insurance in a solvent company authorized to do business
4 in the State of Illinois shall be included with each
5 application covering each location at which he proposes to
6 act as a new vehicle dealer. The policy must provide
7 liability coverage in the minimum amounts of \$100,000 for
8 bodily injury to, or death of, any person, \$300,000 for
9 bodily injury to, or death of, two or more persons in any
10 one accident, and \$50,000 for damage to property. Such
11 policy shall expire not sooner than December 31 of the year
12 for which the license was issued or renewed. The expiration
13 of the insurance policy shall not terminate the liability
14 under the policy arising during the period for which the
15 policy was filed. Trailer and mobile home dealers are
16 exempt from this requirement.

17 If the permitted user has a liability insurance policy
18 that provides automobile liability insurance coverage of
19 at least \$100,000 for bodily injury to or the death of any
20 person, \$300,000 for bodily injury to or the death of any 2
21 or more persons in any one accident, and \$50,000 for damage
22 to property, then the permitted user's insurer shall be the
23 primary insurer and the dealer's insurer shall be the
24 secondary insurer. If the permitted user does not have a
25 liability insurance policy that provides automobile
26 liability insurance coverage of at least \$100,000 for
27 bodily injury to or the death of any person, \$300,000 for
28 bodily injury to or the death of any 2 or more persons in
29 any one accident, and \$50,000 for damage to property, or
30 does not have any insurance at all, then the dealer's
31 insurer shall be the primary insurer and the permitted
32 user's insurer shall be the secondary insurer.

33 When a permitted user is "test driving" a new vehicle
34 dealer's automobile, the new vehicle dealer's insurance
35 shall be primary and the permitted user's insurance shall
36 be secondary.

1 As used in this paragraph 6, a "permitted user" is a
2 person who, with the permission of the new vehicle dealer
3 or an employee of the new vehicle dealer, drives a vehicle
4 owned and held for sale or lease by the new vehicle dealer
5 which the person is considering to purchase or lease, in
6 order to evaluate the performance, reliability, or
7 condition of the vehicle. The term "permitted user" also
8 includes a person who, with the permission of the new
9 vehicle dealer, drives a vehicle owned or held for sale or
10 lease by the new vehicle dealer for loaner purposes while
11 the user's vehicle is being repaired or evaluated.

12 As used in this paragraph 6, "test driving" occurs when
13 a permitted user who, with the permission of the new
14 vehicle dealer or an employee of the new vehicle dealer,
15 drives a vehicle owned and held for sale or lease by a new
16 vehicle dealer that the person is considering to purchase
17 or lease, in order to evaluate the performance,
18 reliability, or condition of the vehicle.

19 As used in this paragraph 6, "loaner purposes" means
20 when a person who, with the permission of the new vehicle
21 dealer, drives a vehicle owned or held for sale or lease by
22 the new vehicle dealer while the user's vehicle is being
23 repaired or evaluated.

24 7. (A) An application for a new motor vehicle dealer's
25 license shall be accompanied by the following license fees:

26 \$100 ~~\$1,000~~ for applicant's established place of
27 business, and \$50 ~~\$100~~ for each additional place of
28 business, if any, to which the application pertains;
29 but if the application is made after June 15 of any
30 year, the license fee shall be \$50 ~~\$500~~ for applicant's
31 established place of business plus \$25 ~~\$50~~ for each
32 additional place of business, if any, to which the
33 application pertains. License fees shall be returnable
34 only in the event that the application is denied by the
35 Secretary of State. All moneys received by the
36 Secretary of State as license fees under paragraph

1 (7) (A) of subsection (b) of this Section prior to
2 applications for the 2004 licensing year and received
3 on or after the effective date of this amendatory Act
4 of the 94th General Assembly shall be deposited into
5 the Motor Vehicle Review Board Fund and shall be used
6 to administer the Motor Vehicle Review Board under the
7 Motor Vehicle Franchise Act. Of the money received by
8 the Secretary of State as license fees under paragraph
9 (7) (A) of subsection (b) of this Section for the 2004
10 licensing year and until the effective date of this
11 amendatory Act of the 94th General Assembly
12 ~~thereafter~~, 10% shall be deposited into the Motor
13 Vehicle Review Board Fund and shall be used to
14 administer the Motor Vehicle Review Board under the
15 Motor Vehicle Franchise Act and 90% shall be deposited
16 into the General Revenue Fund.

17 (B) An application for a new vehicle dealer's
18 license, other than for a new motor vehicle dealer's
19 license, shall be accompanied by the following license
20 fees:

21 \$50 ~~\$1,000~~ for applicant's established place of
22 business, and \$50 for each additional place of
23 business, if any, to which the application pertains;
24 but if the application is made after June 15 of any
25 year, the license fee shall be \$25 ~~\$500~~ for applicant's
26 established place of business plus \$12.50 ~~\$25~~ for each
27 additional place of business, if any, to which the
28 application pertains. License fees shall be returnable
29 only in the event that the application is denied by the
30 Secretary of State. Of the money received by the
31 Secretary of State as license fees under this
32 subsection for the 2004 licensing year and until the
33 effective date of this amendatory Act of the 94th
34 General Assembly ~~thereafter~~, 95% shall be deposited
35 into the General Revenue Fund.

36 8. A statement that the applicant's officers,

1 directors, shareholders having a 10% or greater ownership
2 interest therein, proprietor, a partner, member, officer,
3 director, trustee, manager or other principals in the
4 business have not committed in the past 3 years any one
5 violation as determined in any civil, criminal or
6 administrative proceedings of any one of the following
7 Acts:

8 (A) The Anti Theft Laws of the Illinois Vehicle
9 Code;

10 (B) The Certificate of Title Laws of the Illinois
11 Vehicle Code;

12 (C) The Offenses against Registration and
13 Certificates of Title Laws of the Illinois Vehicle
14 Code;

15 (D) The Dealers, Transporters, Wreckers and
16 Rebuilders Laws of the Illinois Vehicle Code;

17 (E) Section 21-2 of the Criminal Code of 1961,
18 Criminal Trespass to Vehicles; or

19 (F) The Retailers' Occupation Tax Act.

20 9. A statement that the applicant's officers,
21 directors, shareholders having a 10% or greater ownership
22 interest therein, proprietor, partner, member, officer,
23 director, trustee, manager or other principals in the
24 business have not committed in any calendar year 3 or more
25 violations, as determined in any civil, criminal or
26 administrative proceedings, of any one or more of the
27 following Acts:

28 (A) The Consumer Finance Act;

29 (B) The Consumer Installment Loan Act;

30 (C) The Retail Installment Sales Act;

31 (D) The Motor Vehicle Retail Installment Sales
32 Act;

33 (E) The Interest Act;

34 (F) The Illinois Wage Assignment Act;

35 (G) Part 8 of Article XII of the Code of Civil
36 Procedure; or

1 (H) The Consumer Fraud Act.

2 10. A bond or certificate of deposit in the amount of
3 \$20,000 for each location at which the applicant intends to
4 act as a new vehicle dealer. The bond shall be for the term
5 of the license, or its renewal, for which application is
6 made, and shall expire not sooner than December 31 of the
7 year for which the license was issued or renewed. The bond
8 shall run to the People of the State of Illinois, with
9 surety by a bonding or insurance company authorized to do
10 business in this State. It shall be conditioned upon the
11 proper transmittal of all title and registration fees and
12 taxes (excluding taxes under the Retailers' Occupation Tax
13 Act) accepted by the applicant as a new vehicle dealer.

14 11. Such other information concerning the business of
15 the applicant as the Secretary of State may by rule or
16 regulation prescribe.

17 12. A statement that the applicant understands Chapter
18 One through Chapter Five of this Code.

19 (c) Any change which renders no longer accurate any
20 information contained in any application for a new vehicle
21 dealer's license shall be amended within 30 days after the
22 occurrence of such change on such form as the Secretary of
23 State may prescribe by rule or regulation, accompanied by an
24 amendatory fee of \$2.

25 (d) Anything in this Chapter 5 to the contrary
26 notwithstanding no person shall be licensed as a new vehicle
27 dealer unless:

28 1. He is authorized by contract in writing between
29 himself and the manufacturer or franchised distributor of
30 such make of vehicle to so sell the same in this State, and

31 2. Such person shall maintain an established place of
32 business as defined in this Act.

33 (e) The Secretary of State shall, within a reasonable time
34 after receipt, examine an application submitted to him under
35 this Section and unless he makes a determination that the
36 application submitted to him does not conform with the

1 requirements of this Section or that grounds exist for a denial
2 of the application, under Section 5-501 of this Chapter, grant
3 the applicant an original new vehicle dealer's license in
4 writing for his established place of business and a
5 supplemental license in writing for each additional place of
6 business in such form as he may prescribe by rule or regulation
7 which shall include the following:

8 1. The name of the person licensed;

9 2. If a corporation, the name and address of its
10 officers or if a sole proprietorship, a partnership, an
11 unincorporated association or any similar form of business
12 organization, the name and address of the proprietor or of
13 each partner, member, officer, director, trustee or
14 manager;

15 3. In the case of an original license, the established
16 place of business of the licensee;

17 4. In the case of a supplemental license, the
18 established place of business of the licensee and the
19 additional place of business to which such supplemental
20 license pertains;

21 5. The make or makes of new vehicles which the licensee
22 is licensed to sell.

23 (f) The appropriate instrument evidencing the license or a
24 certified copy thereof, provided by the Secretary of State,
25 shall be kept posted conspicuously in the established place of
26 business of the licensee and in each additional place of
27 business, if any, maintained by such licensee.

28 (g) Except as provided in subsection (h) hereof, all new
29 vehicle dealer's licenses granted under this Section shall
30 expire by operation of law on December 31 of the calendar year
31 for which they are granted unless sooner revoked or cancelled
32 under the provisions of Section 5-501 of this Chapter.

33 (h) A new vehicle dealer's license may be renewed upon
34 application and payment of the fee required herein, and
35 submission of proof of coverage under an approved bond under
36 the "Retailers' Occupation Tax Act" or proof that applicant is

1 not subject to such bonding requirements, as in the case of an
2 original license, but in case an application for the renewal of
3 an effective license is made during the month of December, the
4 effective license shall remain in force until the application
5 is granted or denied by the Secretary of State.

6 (i) All persons licensed as a new vehicle dealer are
7 required to furnish each purchaser of a motor vehicle:

8 1. In the case of a new vehicle a manufacturer's
9 statement of origin and in the case of a used motor vehicle
10 a certificate of title, in either case properly assigned to
11 the purchaser;

12 2. A statement verified under oath that all identifying
13 numbers on the vehicle agree with those on the certificate
14 of title or manufacturer's statement of origin;

15 3. A bill of sale properly executed on behalf of such
16 person;

17 4. A copy of the Uniform Invoice-transaction reporting
18 return referred to in Section 5-402 hereof;

19 5. In the case of a rebuilt vehicle, a copy of the
20 Disclosure of Rebuilt Vehicle Status; and

21 6. In the case of a vehicle for which the warranty has
22 been reinstated, a copy of the warranty.

23 (j) Except at the time of sale or repossession of the
24 vehicle, no person licensed as a new vehicle dealer may issue
25 any other person a newly created key to a vehicle unless the
26 new vehicle dealer makes a copy of the driver's license or
27 State identification card of the person requesting or obtaining
28 the newly created key. The new vehicle dealer must retain the
29 copy for 30 days.

30 A new vehicle dealer who violates this subsection (j) is
31 guilty of a petty offense. Violation of this subsection (j) is
32 not cause to suspend, revoke, cancel, or deny renewal of the
33 new vehicle dealer's license.

34 This amendatory Act of 1983 shall be applicable to the 1984
35 registration year and thereafter.

36 (Source: P.A. 92-391, eff. 8-16-01; 92-835, eff. 6-1-03; 93-32,

1 eff. 7-1-03.)

2 (625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

3 Sec. 5-102. Used vehicle dealers must be licensed.

4 (a) No person, other than a licensed new vehicle dealer,
5 shall engage in the business of selling or dealing in, on
6 consignment or otherwise, 5 or more used vehicles of any make
7 during the year (except house trailers as authorized by
8 paragraph (j) of this Section and rebuilt salvage vehicles sold
9 by their rebuilders to persons licensed under this Chapter), or
10 act as an intermediary, agent or broker for any licensed dealer
11 or vehicle purchaser (other than as a salesperson) or represent
12 or advertise that he is so engaged or intends to so engage in
13 such business unless licensed to do so by the Secretary of
14 State under the provisions of this Section.

15 (b) An application for a used vehicle dealer's license
16 shall be filed with the Secretary of State, duly verified by
17 oath, in such form as the Secretary of State may by rule or
18 regulation prescribe and shall contain:

19 1. The name and type of business organization
20 established and additional places of business, if any, in
21 this State.

22 2. If the applicant is a corporation, a list of its
23 officers, directors, and shareholders having a ten percent
24 or greater ownership interest in the corporation, setting
25 forth the residence address of each; if the applicant is a
26 sole proprietorship, a partnership, an unincorporated
27 association, a trust, or any similar form of business
28 organization, the names and residence address of the
29 proprietor or of each partner, member, officer, director,
30 trustee or manager.

31 3. A statement that the applicant has been approved for
32 registration under the Retailers' Occupation Tax Act by the
33 Department of Revenue. However, this requirement does not
34 apply to a dealer who is already licensed hereunder with
35 the Secretary of State, and who is merely applying for a

1 renewal of his license. As evidence of this fact, the
2 application shall be accompanied by a certification from
3 the Department of Revenue showing that the Department has
4 approved the applicant for registration under the
5 Retailers' Occupation Tax Act.

6 4. A statement that the applicant has complied with the
7 appropriate liability insurance requirement. A Certificate
8 of Insurance in a solvent company authorized to do business
9 in the State of Illinois shall be included with each
10 application covering each location at which he proposes to
11 act as a used vehicle dealer. The policy must provide
12 liability coverage in the minimum amounts of \$100,000 for
13 bodily injury to, or death of, any person, \$300,000 for
14 bodily injury to, or death of, two or more persons in any
15 one accident, and \$50,000 for damage to property. Such
16 policy shall expire not sooner than December 31 of the year
17 for which the license was issued or renewed. The expiration
18 of the insurance policy shall not terminate the liability
19 under the policy arising during the period for which the
20 policy was filed. Trailer and mobile home dealers are
21 exempt from this requirement.

22 If the permitted user has a liability insurance policy
23 that provides automobile liability insurance coverage of
24 at least \$100,000 for bodily injury to or the death of any
25 person, \$300,000 for bodily injury to or the death of any 2
26 or more persons in any one accident, and \$50,000 for damage
27 to property, then the permitted user's insurer shall be the
28 primary insurer and the dealer's insurer shall be the
29 secondary insurer. If the permitted user does not have a
30 liability insurance policy that provides automobile
31 liability insurance coverage of at least \$100,000 for
32 bodily injury to or the death of any person, \$300,000 for
33 bodily injury to or the death of any 2 or more persons in
34 any one accident, and \$50,000 for damage to property, or
35 does not have any insurance at all, then the dealer's
36 insurer shall be the primary insurer and the permitted

1 user's insurer shall be the secondary insurer.

2 When a permitted user is "test driving" a used vehicle
3 dealer's automobile, the used vehicle dealer's insurance
4 shall be primary and the permitted user's insurance shall
5 be secondary.

6 As used in this paragraph 4, a "permitted user" is a
7 person who, with the permission of the used vehicle dealer
8 or an employee of the used vehicle dealer, drives a vehicle
9 owned and held for sale or lease by the used vehicle dealer
10 which the person is considering to purchase or lease, in
11 order to evaluate the performance, reliability, or
12 condition of the vehicle. The term "permitted user" also
13 includes a person who, with the permission of the used
14 vehicle dealer, drives a vehicle owned or held for sale or
15 lease by the used vehicle dealer for loaner purposes while
16 the user's vehicle is being repaired or evaluated.

17 As used in this paragraph 4, "test driving" occurs when
18 a permitted user who, with the permission of the used
19 vehicle dealer or an employee of the used vehicle dealer,
20 drives a vehicle owned and held for sale or lease by a used
21 vehicle dealer that the person is considering to purchase
22 or lease, in order to evaluate the performance,
23 reliability, or condition of the vehicle.

24 As used in this paragraph 4, "loaner purposes" means
25 when a person who, with the permission of the used vehicle
26 dealer, drives a vehicle owned or held for sale or lease by
27 the used vehicle dealer while the user's vehicle is being
28 repaired or evaluated.

29 5. An application for a used vehicle dealer's license
30 shall be accompanied by the following license fees:

31 \$50 ~~\$1,000~~ for applicant's established place of
32 business, and \$25 ~~\$50~~ for each additional place of
33 business, if any, to which the application pertains;
34 however, if the application is made after June 15 of any
35 year, the license fee shall be \$25 ~~\$500~~ for applicant's
36 established place of business plus \$12.50 ~~\$25~~ for each

1 additional place of business, if any, to which the
2 application pertains. License fees shall be returnable
3 only in the event that the application is denied by the
4 Secretary of State. Of the money received by the Secretary
5 of State as license fees under this Section for the 2004
6 licensing year and until the effective date of this
7 amendatory Act of the 94th General Assembly ~~thereafter~~, 95%
8 shall be deposited into the General Revenue Fund.

9 6. A statement that the applicant's officers,
10 directors, shareholders having a 10% or greater ownership
11 interest therein, proprietor, partner, member, officer,
12 director, trustee, manager or other principals in the
13 business have not committed in the past 3 years any one
14 violation as determined in any civil, criminal or
15 administrative proceedings of any one of the following
16 Acts:

17 (A) The Anti Theft Laws of the Illinois Vehicle
18 Code;

19 (B) The Certificate of Title Laws of the Illinois
20 Vehicle Code;

21 (C) The Offenses against Registration and
22 Certificates of Title Laws of the Illinois Vehicle
23 Code;

24 (D) The Dealers, Transporters, Wreckers and
25 Rebuilders Laws of the Illinois Vehicle Code;

26 (E) Section 21-2 of the Illinois Criminal Code of
27 1961, Criminal Trespass to Vehicles; or

28 (F) The Retailers' Occupation Tax Act.

29 7. A statement that the applicant's officers,
30 directors, shareholders having a 10% or greater ownership
31 interest therein, proprietor, partner, member, officer,
32 director, trustee, manager or other principals in the
33 business have not committed in any calendar year 3 or more
34 violations, as determined in any civil or criminal or
35 administrative proceedings, of any one or more of the
36 following Acts:

- 1 (A) The Consumer Finance Act;
- 2 (B) The Consumer Installment Loan Act;
- 3 (C) The Retail Installment Sales Act;
- 4 (D) The Motor Vehicle Retail Installment Sales
- 5 Act;
- 6 (E) The Interest Act;
- 7 (F) The Illinois Wage Assignment Act;
- 8 (G) Part 8 of Article XII of the Code of Civil
- 9 Procedure; or
- 10 (H) The Consumer Fraud Act.

11 8. A bond or Certificate of Deposit in the amount of

12 \$20,000 for each location at which the applicant intends to

13 act as a used vehicle dealer. The bond shall be for the

14 term of the license, or its renewal, for which application

15 is made, and shall expire not sooner than December 31 of

16 the year for which the license was issued or renewed. The

17 bond shall run to the People of the State of Illinois, with

18 surety by a bonding or insurance company authorized to do

19 business in this State. It shall be conditioned upon the

20 proper transmittal of all title and registration fees and

21 taxes (excluding taxes under the Retailers' Occupation Tax

22 Act) accepted by the applicant as a used vehicle dealer.

23 9. Such other information concerning the business of

24 the applicant as the Secretary of State may by rule or

25 regulation prescribe.

26 10. A statement that the applicant understands Chapter

27 1 through Chapter 5 of this Code.

28 (c) Any change which renders no longer accurate any

29 information contained in any application for a used vehicle

30 dealer's license shall be amended within 30 days after the

31 occurrence of each change on such form as the Secretary of

32 State may prescribe by rule or regulation, accompanied by an

33 amendatory fee of \$2.

34 (d) Anything in this Chapter to the contrary

35 notwithstanding, no person shall be licensed as a used vehicle

36 dealer unless such person maintains an established place of

1 business as defined in this Chapter.

2 (e) The Secretary of State shall, within a reasonable time
3 after receipt, examine an application submitted to him under
4 this Section. Unless the Secretary makes a determination that
5 the application submitted to him does not conform to this
6 Section or that grounds exist for a denial of the application
7 under Section 5-501 of this Chapter, he must grant the
8 applicant an original used vehicle dealer's license in writing
9 for his established place of business and a supplemental
10 license in writing for each additional place of business in
11 such form as he may prescribe by rule or regulation which shall
12 include the following:

13 1. The name of the person licensed;

14 2. If a corporation, the name and address of its
15 officers or if a sole proprietorship, a partnership, an
16 unincorporated association or any similar form of business
17 organization, the name and address of the proprietor or of
18 each partner, member, officer, director, trustee or
19 manager;

20 3. In case of an original license, the established
21 place of business of the licensee;

22 4. In the case of a supplemental license, the
23 established place of business of the licensee and the
24 additional place of business to which such supplemental
25 license pertains.

26 (f) The appropriate instrument evidencing the license or a
27 certified copy thereof, provided by the Secretary of State
28 shall be kept posted, conspicuously, in the established place
29 of business of the licensee and in each additional place of
30 business, if any, maintained by such licensee.

31 (g) Except as provided in subsection (h) of this Section,
32 all used vehicle dealer's licenses granted under this Section
33 expire by operation of law on December 31 of the calendar year
34 for which they are granted unless sooner revoked or cancelled
35 under Section 5-501 of this Chapter.

36 (h) A used vehicle dealer's license may be renewed upon

1 application and payment of the fee required herein, and
2 submission of proof of coverage by an approved bond under the
3 "Retailers' Occupation Tax Act" or proof that applicant is not
4 subject to such bonding requirements, as in the case of an
5 original license, but in case an application for the renewal of
6 an effective license is made during the month of December, the
7 effective license shall remain in force until the application
8 for renewal is granted or denied by the Secretary of State.

9 (i) All persons licensed as a used vehicle dealer are
10 required to furnish each purchaser of a motor vehicle:

11 1. A certificate of title properly assigned to the
12 purchaser;

13 2. A statement verified under oath that all identifying
14 numbers on the vehicle agree with those on the certificate
15 of title;

16 3. A bill of sale properly executed on behalf of such
17 person;

18 4. A copy of the Uniform Invoice-transaction reporting
19 return referred to in Section 5-402 of this Chapter;

20 5. In the case of a rebuilt vehicle, a copy of the
21 Disclosure of Rebuilt Vehicle Status; and

22 6. In the case of a vehicle for which the warranty has
23 been reinstated, a copy of the warranty.

24 (j) A real estate broker holding a valid certificate of
25 registration issued pursuant to "The Real Estate Brokers and
26 Salesmen License Act" may engage in the business of selling or
27 dealing in house trailers not his own without being licensed as
28 a used vehicle dealer under this Section; however such broker
29 shall maintain a record of the transaction including the
30 following:

31 (1) the name and address of the buyer and seller,

32 (2) the date of sale,

33 (3) a description of the mobile home, including the
34 vehicle identification number, make, model, and year, and

35 (4) the Illinois certificate of title number.

36 The foregoing records shall be available for inspection by

1 any officer of the Secretary of State's Office at any
2 reasonable hour.

3 (k) Except at the time of sale or repossession of the
4 vehicle, no person licensed as a used vehicle dealer may issue
5 any other person a newly created key to a vehicle unless the
6 used vehicle dealer makes a copy of the driver's license or
7 State identification card of the person requesting or obtaining
8 the newly created key. The used vehicle dealer must retain the
9 copy for 30 days.

10 A used vehicle dealer who violates this subsection (k) is
11 guilty of a petty offense. Violation of this subsection (k) is
12 not cause to suspend, revoke, cancel, or deny renewal of the
13 used vehicle dealer's license.

14 (Source: P.A. 92-391, eff. 8-16-01; 92-835, eff. 6-1-03; 93-32,
15 eff. 7-1-03.)

16 (625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)
17 Sec. 6-118. Fees.

18 (a) The fee for licenses and permits under this Article is
19 as follows:

20	Original driver's license	\$10
21	Original or renewal driver's license	
22	issued to 18, 19 and 20 year olds	5
23	All driver's licenses for persons	
24	age 69 through age 80	5
25	All driver's licenses for persons	
26	age 81 through age 86	2
27	All driver's licenses for persons	
28	age 87 or older	0
29	Renewal driver's license (except for	
30	applicants ages 18, 19 and 20 or	
31	age 69 and older)	10
32	Original instruction permit issued to	
33	persons (except those age 69 and older)	
34	who do not hold or have not previously	
35	held an Illinois instruction permit or	

1 driver's license 20

2 Instruction permit issued to any person

3 holding an Illinois driver's license

4 who wishes a change in classifications,

5 other than at the time of renewal 5

6 Any instruction permit issued to a person

7 age 69 and older 5

8 Instruction permit issued to any person,

9 under age 69, not currently holding a

10 valid Illinois driver's license or

11 instruction permit but who has

12 previously been issued either document

13 in Illinois 10

14 Restricted driving permit 8

15 Duplicate or corrected driver's license

16 or permit 5

17 Duplicate or corrected restricted

18 driving permit 5

19 Original or renewal M or L endorsement 5

20 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

21 The fees for commercial driver licenses and permits

22 under Article V shall be as follows:

23 Commercial driver's license:

24 \$6 for the CDLIS/AAMVAnet Fund

25 (Commercial Driver's License Information

26 System/American Association of Motor Vehicle

27 Administrators network Trust Fund);

28 \$20 for the Motor Carrier Safety Inspection Fund;

29 \$10 for the driver's license;

30 and \$24 for the CDL: \$60

31 Renewal commercial driver's license:

32 \$6 for the CDLIS/AAMVAnet Trust Fund;

33 \$20 for the Motor Carrier Safety Inspection Fund;

34 \$10 for the driver's license; and

35 \$24 for the CDL: \$60

36 Commercial driver instruction permit

1 issued to any person holding a valid
 2 Illinois driver's license for the
 3 purpose of changing to a
 4 CDL classification: \$6 for the
 5 CDLIS/AAMVAnet Trust Fund;
 6 \$20 for the Motor Carrier
 7 Safety Inspection Fund; and
 8 \$24 for the CDL classification \$50

9 Commercial driver instruction permit
 10 issued to any person holding a valid
 11 Illinois CDL for the purpose of
 12 making a change in a classification,
 13 endorsement or restriction \$5
 14 CDL duplicate or corrected license \$5

15 In order to ensure the proper implementation of the Uniform
 16 Commercial Driver License Act, Article V of this Chapter, the
 17 Secretary of State is empowered to pro-rate the \$24 fee for the
 18 commercial driver's license proportionate to the expiration
 19 date of the applicant's Illinois driver's license.

20 The fee for any duplicate license or permit shall be waived
 21 for any person age 60 or older who presents the Secretary of
 22 State's office with a police report showing that his license or
 23 permit was stolen.

24 No additional fee shall be charged for a driver's license,
 25 or for a commercial driver's license, when issued to the holder
 26 of an instruction permit for the same classification or type of
 27 license who becomes eligible for such license.

28 (b) Any person whose license or privilege to operate a
 29 motor vehicle in this State has been suspended or revoked under
 30 any provision of Chapter 6, Chapter 11, or Section ~~7-205,~~
 31 ~~7-303, or~~ 7-702 of the Family Financial Responsibility Law of
 32 this Code, shall in addition to any other fees required by this
 33 Code, pay a reinstatement fee as follows:

34	Summary suspension under Section 11-501.1	\$250
35	Other suspension	\$70
36	Revocation	\$500

1 However, any person whose license or privilege to operate a
 2 motor vehicle in this State has been suspended or revoked for a
 3 second or subsequent time for a violation of Section 11-501 or
 4 11-501.1 of this Code or a similar provision of a local
 5 ordinance or a similar out-of-state offense or Section 9-3 of
 6 the Criminal Code of 1961 and each suspension or revocation was
 7 for a violation of Section 11-501 or 11-501.1 of this Code or a
 8 similar provision of a local ordinance or a similar
 9 out-of-state offense or Section 9-3 of the Criminal Code of
 10 1961 shall pay, in addition to any other fees required by this
 11 Code, a reinstatement fee as follows:

12 Summary suspension under Section 11-501.1	<u>\$250</u> \$500
13 Revocation	<u>\$250</u> \$500

14 (c) All fees collected under the provisions of this Chapter
 15 6 shall be paid into the Road Fund in the State Treasury except
 16 as follows:

17 1. The following amounts shall be paid into the Driver
 18 Education Fund:

19 (A) \$16 of the \$20 fee for an original driver's
 20 instruction permit;

21 (B) \$5 of the \$10 fee for an original driver's
 22 license;

23 (C) \$5 of the \$10 fee for a 4 year renewal driver's
 24 license; and

25 (D) \$4 of the \$8 fee for a restricted driving
 26 permit.

27 2. \$30 of the \$60 ~~\$250~~ fee for reinstatement of a
 28 license summarily suspended under Section 11-501.1 shall
 29 be deposited into the Drunk and Drugged Driving Prevention
 30 Fund. However, for a person whose license or privilege to
 31 operate a motor vehicle in this State has been suspended or
 32 revoked for a second or subsequent time for a violation of
 33 Section 11-501 or 11-501.1 of this Code or Section 9-3 of
 34 the Criminal Code of 1961, \$190 of the \$250 ~~\$500~~ fee for
 35 reinstatement of a license summarily suspended under
 36 Section 11-501.1, and \$190 of the \$250 ~~\$500~~ fee for

1 reinstatement of a revoked license shall be deposited into
2 the Drunk and Drugged Driving Prevention Fund.

3 3. \$6 of such original or renewal fee for a commercial
4 driver's license and \$6 of the commercial driver
5 instruction permit fee when such permit is issued to any
6 person holding a valid Illinois driver's license, shall be
7 paid into the CDLIS/AAMVAnet Trust Fund.

8 4. The ~~\$30 of the \$70~~ fee for reinstatement of a
9 license suspended under the Family Financial
10 Responsibility Law shall be paid into the Family
11 Responsibility Fund.

12 5. The \$5 fee for each original or renewal M or L
13 endorsement shall be deposited into the Cycle Rider Safety
14 Training Fund.

15 6. \$20 of any original or renewal fee for a commercial
16 driver's license or commercial driver instruction permit
17 shall be paid into the Motor Carrier Safety Inspection
18 Fund.

19 7. (Blank). ~~The following amounts shall be paid into~~
20 ~~the General Revenue Fund:~~

21 ~~(A) \$190 of the \$250 reinstatement fee for a~~
22 ~~summary suspension under Section 11-501.1;~~

23 ~~(B) \$40 of the \$70 reinstatement fee for any other~~
24 ~~suspension provided in subsection (b) of this Section;~~
25 ~~and~~

26 ~~(C) \$440 of the \$500 reinstatement fee for a first~~
27 ~~offense revocation and \$310 of the \$500 reinstatement~~
28 ~~fee for a second or subsequent revocation.~~

29 (Source: P.A. 92-458, eff. 8-22-01; 93-32, eff. 1-1-04; 93-788,
30 eff. 1-1-05.)

31 (625 ILCS 5/7-707)

32 Sec. 7-707. Payment of reinstatement fee. When an obligor
33 receives notice from the Secretary of State that the suspension
34 of driving privileges has been terminated based upon receipt of
35 notification from the circuit clerk of the obligor's compliance

1 with a court order of support, the obligor shall pay a \$30 ~~\$70~~
2 reinstatement fee to the Secretary of State as set forth in
3 Section 6-118 of this Code. The ~~\$30 of the \$70~~ fee shall be
4 deposited into the Family Responsibility Fund. In accordance
5 with subsection (e) of Section 6-115 of this Code, the
6 Secretary of State may decline to process a renewal of a
7 driver's license of a person who has not paid this fee.

8 (Source: P.A. 92-16, eff. 6-28-01; 93-32, eff. 1-1-04.)

9 (625 ILCS 5/18c-1501) (from Ch. 95 1/2, par. 18c-1501)

10 Sec. 18c-1501. Franchise, Franchise Renewal, Filing and
11 Other Fees for Motor Carriers of Property.

12 (1) Franchise, Franchise Renewal, Filing, and Other Fee
13 Levels in Effect Absent Commission Regulations Prescribing
14 Different Fee Levels. The levels of franchise, franchise
15 renewal, filing, and other fees for motor carriers of property
16 in effect, absent Commission regulations prescribing different
17 fee levels, shall be:

18 (a) Franchise and franchise renewal fees: \$19 for each
19 motor vehicle operated by a motor carrier of property in
20 intrastate commerce, and \$2 for each motor vehicle operated
21 by a motor carrier of property in interstate commerce.

22 (b) Filing fees: \$100 for each application seeking a
23 Commission license or other authority, the reinstatement
24 of a cancelled license or authority, or authority to
25 establish a rate, other than by special permission,
26 excluding both released rate applications and rate filings
27 which may be investigated or suspended but which require no
28 prior authorization for filing; \$25 for each released rate
29 application and each application to register as an
30 interstate carrier; \$15 for each application seeking
31 special permission in regard to rates; and \$15 for each
32 equipment lease.

33 (2) Adjustment of Fee Levels. The Commission may, by
34 rulemaking in accordance with provisions of The Illinois
35 Administrative Procedure Act, adjust franchise, franchise

1 renewal, filing, and other fees for motor carriers of property
2 by increasing or decreasing them from levels in effect absent
3 Commission regulations prescribing different fee levels.
4 Franchise and franchise renewal fees prescribed by the
5 Commission for motor carriers of property shall not exceed:

6 (a) \$50 for each motor vehicle operated by a household
7 goods carrier in intrastate commerce;

8 (a-5) \$5 ~~\$15~~ for each motor vehicle operated by a
9 public carrier in intrastate commerce; and

10 (b) \$7 for each motor vehicle operated by a motor
11 carrier of property in interstate commerce.

12 (3) Late-Filing Fees.

13 (a) Commission to Prescribe Late-Filing Fees. The
14 Commission may prescribe fees for the late filing of proof
15 of insurance, operating reports, franchise or franchise
16 renewal fee applications, or other documents required to be
17 filed on a periodic basis with the Commission.

18 (b) Late-filing Fees to Accrue Automatically.
19 Late-filing fees shall accrue automatically from the
20 filing deadline set forth in Commission regulations, and
21 all persons or entities required to make such filings shall
22 be on notice of such deadlines.

23 (c) Maximum Fees. Late-filing fees prescribed by the
24 Commission shall not exceed \$100 for an initial period,
25 plus \$10 for each day after the expiration of the initial
26 period. The Commission may provide for waiver of all or
27 part of late-filing fees accrued under this subsection on a
28 showing of good cause.

29 (d) Effect of Failure to Make Timely Filings and Pay
30 Late-Filing Fees. Failure of a person to file proof of
31 continuous insurance coverage or to make other periodic
32 filings required under Commission regulations shall make
33 licenses and registrations held by the person subject to
34 revocation or suspension. The licenses or registrations
35 cannot thereafter be returned to good standing until after
36 payment of all late-filing fees accrued and not waived

1 under this subsection.

2 (4) Payment of Fees.

3 (a) Franchise and Franchise Renewal Fees. Franchise
4 and franchise renewal fees for motor carriers of property
5 shall be due and payable on or before the 31st day of
6 December of the calendar year preceding the calendar year
7 for which the fees are owing, unless otherwise provided in
8 Commission regulations.

9 (b) Filing and Other Fees. Filing and other fees
10 (including late-filing fees) shall be due and payable on
11 the date of filing, or on such other date as is set forth
12 in Commission regulations.

13 (5) When Fees Returnable.

14 (a) Whenever an application to the Illinois Commerce
15 Commission is accompanied by any fee as required by law and
16 such application is refused or rejected, said fee shall be
17 returned to said applicant.

18 (b) The Illinois Commerce Commission may reduce by
19 interlineation the amount of any personal check or
20 corporate check or company check drawn on the account of
21 and delivered by any person for payment of a fee required
22 by the Illinois Commerce Commission.

23 (c) Any check altered pursuant to above shall be
24 endorsed by the Illinois Commerce Commission as follows:
25 "This check is warranted to subsequent holders and to the
26 drawee to be in the amount \$."

27 (d) All applications to the Illinois Commerce
28 Commission requiring fee payment upon reprinting shall
29 contain the following authorization statement: "My
30 signature authorizes the Illinois Commerce Commission to
31 lower the amount of check if fee submitted exceeds correct
32 amount."

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

34 (625 ILCS 5/18c-1502.05)

35 Sec. 18c-1502.05. Route Mileage Fee for Rail Carriers.

1 Beginning with the effective date of this amendatory Act of the
2 94th General Assembly ~~calendar year 2004~~, every rail carrier
3 shall pay to the Commission for each calendar year a route
4 mileage fee of \$37 ~~\$45~~ for each route mile of railroad right of
5 way owned by the rail carrier in Illinois. The fee shall be
6 based on the number of route miles as of January 1 of the year
7 for which the fee is due, and the payment of the route mileage
8 fee shall be due by February 1 of each calendar year.

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

10 (625 ILCS 5/18c-1502.10)

11 Sec. 18c-1502.10. Railroad-Highway Grade Crossing and
12 Grade Separation Fee. Beginning with the effective date of this
13 amendatory Act of the 94th General Assembly ~~calendar year 2004~~,
14 every rail carrier shall pay to the Commission for each
15 calendar year a fee of \$23 ~~\$28~~ for each location at which the
16 rail carrier's track crosses a public road, highway, or street,
17 whether the crossing be at grade, by overhead structure, or by
18 subway. The fee shall be based on the number of the crossings
19 as of January 1 of each calendar year, and the fee shall be due
20 by February 1 of each calendar year.

21 (Source: P.A. 93-32, eff. 7-1-03.)

22 (625 ILCS 5/3-806.5 rep.)

23 Section 195. The Illinois Vehicle Code is amended by
24 repealing Section 3-806.5.

25 Section 200. The Boat Registration and Safety Act is
26 amended by changing Sections 3-2 and 3-7 as follows:

27 (625 ILCS 45/3-2) (from Ch. 95 1/2, par. 313-2)

28 Sec. 3-2. Identification number application. The owner of
29 each watercraft requiring numbering by this State shall file an
30 application for number with the Department on forms approved by
31 it. The application shall be signed by the owner of the
32 watercraft and shall be accompanied by a fee as follows:

1 A. Class A (all canoes, kayaks, and
2 non-motorized paddle boats) \$6

3 B. Class 1 (all watercraft less
4 than 16 feet in length, except
5 canoes, kayaks, and non-motorized paddle boats) .. \$15

6 C. Class 2 (all watercraft 16
7 feet or more but less than 26 feet in length
8 except canoes, kayaks, and non-motorized paddle
9 boats) \$20 ~~\$45~~

10 D. Class 3 (all watercraft 26 feet or more
11 but less than 40 feet in length) \$25 ~~\$75~~

12 E. Class 4 (all watercraft 40 feet in length
13 or more) \$30 ~~\$100~~

14 Upon receipt of the application in approved form, and when
15 satisfied that no tax imposed pursuant to the "Municipal Use
16 Tax Act" or the "County Use Tax Act" is owed, or that such tax
17 has been paid, the Department shall enter the same upon the
18 records of its office and issue to the applicant a certificate
19 of number stating the number awarded to the watercraft and the
20 name and address of the owner.

21 (Source: P.A. 93-32, eff. 7-1-03; 94-45, eff. 1-1-06.)

22 (625 ILCS 45/3-7) (from Ch. 95 1/2, par. 313-7)

23 Sec. 3-7. Loss of certificate. Should a certificate of
24 number or registration expiration decal become lost,
25 destroyed, or mutilated beyond legibility, the owner of the
26 watercraft shall make application to the Department for the
27 replacement of the certificate or decal, giving his name,
28 address, and the number of his boat and shall at the same time
29 pay to the Department a fee of \$1 ~~\$5~~.

30 (Source: P.A. 93-32, eff. 7-1-03.)

31 Section 205. The Illinois Controlled Substances Act is
32 amended by changing Section 303 as follows:

33 (720 ILCS 570/303) (from Ch. 56 1/2, par. 1303)

1 Sec. 303. (a) The Department of Professional Regulation
2 shall license an applicant to manufacture, distribute or
3 dispense controlled substances included in Sections 204, 206,
4 208, 210 and 212 of this Act or purchase, store, or administer
5 euthanasia drugs unless it determines that the issuance of that
6 license would be inconsistent with the public interest. In
7 determining the public interest, the Department of
8 Professional Regulation shall consider the following:

9 (1) maintenance of effective controls against
10 diversion of controlled substances into other than lawful
11 medical, scientific, or industrial channels;

12 (2) compliance with applicable Federal, State and
13 local law;

14 (3) any convictions of the applicant under any law of
15 the United States or of any State relating to any
16 controlled substance;

17 (4) past experience in the manufacture or distribution
18 of controlled substances, and the existence in the
19 applicant's establishment of effective controls against
20 diversion;

21 (5) furnishing by the applicant of false or fraudulent
22 material in any application filed under this Act;

23 (6) suspension or revocation of the applicant's
24 Federal registration to manufacture, distribute, or
25 dispense controlled substances, or purchase, store, or
26 administer euthanasia drugs, as authorized by Federal law;

27 (7) whether the applicant is suitably equipped with the
28 facilities appropriate to carry on the operation described
29 in his application;

30 (8) whether the applicant is of good moral character
31 or, if the applicant is a partnership, association,
32 corporation or other organization, whether the partners,
33 directors, governing committee and managing officers are
34 of good moral character;

35 (9) any other factors relevant to and consistent with
36 the public health and safety; and

1 (10) evidence from court, medical disciplinary and
2 pharmacy board records and those of State and Federal
3 investigatory bodies that the applicant has not or does not
4 prescribe controlled substances within the provisions of
5 this Act.

6 (b) No license shall be granted to or renewed for any
7 person who has within 5 years been convicted of a wilful
8 violation of any law of the United States or any law of any
9 State relating to controlled substances, or who is found to be
10 deficient in any of the matters enumerated in subsections
11 (a) (1) through (a) (8).

12 (c) Licensure under subsection (a) does not entitle a
13 registrant to manufacture, distribute or dispense controlled
14 substances in Schedules I or II other than those specified in
15 the registration.

16 (d) Practitioners who are licensed to dispense any
17 controlled substances in Schedules II through V are authorized
18 to conduct instructional activities with controlled substances
19 in Schedules II through V under the law of this State.

20 (e) If an applicant for registration is registered under
21 the Federal law to manufacture, distribute or dispense
22 controlled substances, or purchase, store, or administer
23 euthanasia drugs, upon filing a completed application for
24 licensure in this State and payment of all fees due hereunder,
25 he shall be licensed in this State to the same extent as his
26 Federal registration, unless, within 30 days after completing
27 his application in this State, the Department of Professional
28 Regulation notifies the applicant that his application has not
29 been granted. A practitioner who is in compliance with the
30 Federal law with respect to registration to dispense controlled
31 substances in Schedules II through V need only send a current
32 copy of that Federal registration to the Department of
33 Professional Regulation and he shall be deemed in compliance
34 with the registration provisions of this State.

35 (e-5) Beginning July 1, 2003 and until the effective date
36 of this amendatory Act of the 94th General Assembly, all of the

1 fees and fines collected under this Section 303 shall be
2 deposited into the Illinois State Pharmacy Disciplinary Fund.

3 (f) The fee for registration as a manufacturer or wholesale
4 distributor of controlled substances shall be \$50.00 per year,
5 except that the fee for registration as a manufacturer or
6 wholesale distributor of controlled substances that may be
7 dispensed without a prescription under this Act shall be \$15.00
8 per year. The expiration date and renewal period for each
9 controlled substance license issued under this Act shall be set
10 by rule.

11 (Source: P.A. 93-32, eff. 7-1-03; 93-626, eff. 12-23-03.)

12 Section 210. The Unified Code of Corrections is amended by
13 changing Section 5-9-1 as follows:

14 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

15 Sec. 5-9-1. Authorized fines.

16 (a) An offender may be sentenced to pay a fine which shall
17 not exceed for each offense:

18 (1) for a felony, \$25,000 or the amount specified in
19 the offense, whichever is greater, or where the offender is
20 a corporation, \$50,000 or the amount specified in the
21 offense, whichever is greater;

22 (2) for a Class A misdemeanor, \$2,500 or the amount
23 specified in the offense, whichever is greater;

24 (3) for a Class B or Class C misdemeanor, \$1,500;

25 (4) for a petty offense, \$1,000 or the amount specified
26 in the offense, whichever is less;

27 (5) for a business offense, the amount specified in the
28 statute defining that offense.

29 (b) A fine may be imposed in addition to a sentence of
30 conditional discharge, probation, periodic imprisonment, or
31 imprisonment.

32 (c) There shall be added to every fine imposed in
33 sentencing for a criminal or traffic offense, except an offense
34 relating to parking or registration, or offense by a

1 pedestrian, an additional penalty of \$9 for each \$40, or
2 fraction thereof, of fine imposed. The additional penalty of \$9
3 for each \$40, or fraction thereof, of fine imposed, if not
4 otherwise assessed, shall also be added to every fine imposed
5 upon a plea of guilty, stipulation of facts or findings of
6 guilty, resulting in a judgment of conviction, or order of
7 supervision in criminal, traffic, local ordinance, county
8 ordinance, and conservation cases (except parking,
9 registration, or pedestrian violations), or upon a sentence of
10 probation without entry of judgment under Section 10 of the
11 Cannabis Control Act, Section 410 of the Illinois Controlled
12 Substances Act, or Section 70 of the Methamphetamine Control
13 and Community Protection Act.

14 Such additional amounts shall be assessed by the court
15 imposing the fine and shall be collected by the Circuit Clerk
16 in addition to the fine and costs in the case. Each such
17 additional penalty shall be remitted by the Circuit Clerk
18 within one month after receipt to the State Treasurer. The
19 State Treasurer shall deposit \$1 for each \$40, or fraction
20 thereof, of fine imposed into the LEADS Maintenance Fund. The
21 remaining surcharge amount shall be deposited into the Traffic
22 and Criminal Conviction Surcharge Fund, unless the fine, costs
23 or additional amounts are subject to disbursement by the
24 circuit clerk under Section 27.5 of the Clerks of Courts Act.
25 Such additional penalty shall not be considered a part of the
26 fine for purposes of any reduction in the fine for time served
27 either before or after sentencing. Not later than March 1 of
28 each year the Circuit Clerk shall submit a report of the amount
29 of funds remitted to the State Treasurer under this subsection
30 (c) during the preceding calendar year. Except as otherwise
31 provided by Supreme Court Rules, if a court in imposing a fine
32 against an offender levies a gross amount for fine, costs, fees
33 and penalties, the amount of the additional penalty provided
34 for herein shall be computed on the amount remaining after
35 deducting from the gross amount levied all fees of the Circuit
36 Clerk, the State's Attorney and the Sheriff. After deducting

1 from the gross amount levied the fees and additional penalty
2 provided for herein, less any other additional penalties
3 provided by law, the clerk shall remit the net balance
4 remaining to the entity authorized by law to receive the fine
5 imposed in the case. For purposes of this Section "fees of the
6 Circuit Clerk" shall include, if applicable, the fee provided
7 for under Section 27.3a of the Clerks of Courts Act and the
8 fee, if applicable, payable to the county in which the
9 violation occurred pursuant to Section 5-1101 of the Counties
10 Code.

11 (c-5) In addition to the fines imposed by subsection (c),
12 any person convicted or receiving an order of supervision for
13 driving under the influence of alcohol or drugs shall pay an
14 additional \$100 fee to the clerk. This additional fee, less 2
15 1/2% that shall be used to defray administrative costs incurred
16 by the clerk, shall be remitted by the clerk to the Treasurer
17 within 60 days after receipt for deposit into the Trauma Center
18 Fund. This additional fee of \$100 shall not be considered a
19 part of the fine for purposes of any reduction in the fine for
20 time served either before or after sentencing. Not later than
21 March 1 of each year the Circuit Clerk shall submit a report of
22 the amount of funds remitted to the State Treasurer under this
23 subsection (c-5) during the preceding calendar year.

24 The Circuit Clerk may accept payment of fines and costs by
25 credit card from an offender who has been convicted of a
26 traffic offense, petty offense or misdemeanor and may charge
27 the service fee permitted where fines and costs are paid by
28 credit card provided for in Section 27.3b of the Clerks of
29 Courts Act.

30 (c-7) In addition to the fines imposed by subsection (c),
31 any person convicted or receiving an order of supervision for
32 driving under the influence of alcohol or drugs shall pay an
33 additional \$5 fee to the clerk. This additional fee, less 2
34 1/2% that shall be used to defray administrative costs incurred
35 by the clerk, shall be remitted by the clerk to the Treasurer
36 within 60 days after receipt for deposit into the Spinal Cord

1 Injury Paralysis Cure Research Trust Fund. This additional fee
2 of \$5 shall not be considered a part of the fine for purposes
3 of any reduction in the fine for time served either before or
4 after sentencing. Not later than March 1 of each year the
5 Circuit Clerk shall submit a report of the amount of funds
6 remitted to the State Treasurer under this subsection (c-7)
7 during the preceding calendar year.

8 (c-9) (Blank). ~~, , or Section 70 of the Methamphetamine~~
9 ~~Control and Community Protection Act~~

10 (d) In determining the amount and method of payment of a
11 fine, except for those fines established for violations of
12 Chapter 15 of the Illinois Vehicle Code, the court shall
13 consider:

14 (1) the financial resources and future ability of the
15 offender to pay the fine; and

16 (2) whether the fine will prevent the offender from
17 making court ordered restitution or reparation to the
18 victim of the offense; and

19 (3) in a case where the accused is a dissolved
20 corporation and the court has appointed counsel to
21 represent the corporation, the costs incurred either by the
22 county or the State for such representation.

23 (e) The court may order the fine to be paid forthwith or
24 within a specified period of time or in installments.

25 (f) All fines, costs and additional amounts imposed under
26 this Section for any violation of Chapters 3, 4, 6, and 11 of
27 the Illinois Vehicle Code, or a similar provision of a local
28 ordinance, and any violation of the Child Passenger Protection
29 Act, or a similar provision of a local ordinance, shall be
30 collected and disbursed by the circuit clerk as provided under
31 Section 27.5 of the Clerks of Courts Act.

32 (Source: P.A. 93-32, eff. 6-20-03; 94-556, eff. 9-11-05;
33 94-652, eff. 8-22-05; revised 8-29-05.)

34 Section 215. The Business Corporation Act of 1983 is
35 amended by changing Sections 15.10, 15.12, 15.15, 15.45, 15.75,

1 and 15.95 as follows:

2 (805 ILCS 5/15.10) (from Ch. 32, par. 15.10)

3 Sec. 15.10. Fees for filing documents. The Secretary of
4 State shall charge and collect for:

5 (a) Filing articles of incorporation, \$75 ~~\$150~~.

6 (b) Filing articles of amendment, \$25 ~~\$50~~, unless the
7 amendment is a restatement of the articles of incorporation, in
8 which case the fee shall be \$100 ~~\$150~~.

9 (c) Filing articles of merger or consolidation, \$100, but
10 if the merger or consolidation involves more than 2
11 corporations, \$50 for each additional corporation.

12 (d) Filing articles of share exchange, \$100.

13 (e) Filing articles of dissolution, \$5.

14 (f) Filing application to reserve a corporate name, \$25.

15 (g) Filing a notice of transfer of a reserved corporate
16 name, \$25.

17 (h) Filing statement of change of address of registered
18 office or change of registered agent, or both, \$5 ~~\$25~~.

19 (i) Filing statement of the establishment of a series of
20 shares, \$25.

21 (j) Filing an application of a foreign corporation for
22 authority to transact business in this State, \$75 ~~\$150~~.

23 (k) Filing an application of a foreign corporation for
24 amended authority to transact business in this State, \$25.

25 (l) Filing a copy of amendment to the articles of
26 incorporation of a foreign corporation holding authority to
27 transact business in this State, \$25 ~~\$50~~, unless the amendment
28 is a restatement of the articles of incorporation, in which
29 case the fee shall be \$100 ~~\$150~~.

30 (m) Filing a copy of articles of merger of a foreign
31 corporation holding a certificate of authority to transact
32 business in this State, \$100, but if the merger involves more
33 than 2 corporations, \$50 for each additional corporation.

34 (n) Filing an application for withdrawal and final report
35 or a copy of articles of dissolution of a foreign corporation,

1 \$25.

2 (o) Filing an annual report, interim annual report, or
3 final transition annual report of a domestic or foreign
4 corporation, \$25 ~~\$75~~.

5 (p) Filing an application for reinstatement of a domestic
6 or a foreign corporation, \$100 ~~\$200~~.

7 (q) Filing an application for use of an assumed corporate
8 name, \$150 for each year or part thereof ending in 0 or 5, \$120
9 for each year or part thereof ending in 1 or 6, \$90 for each
10 year or part thereof ending in 2 or 7, \$60 for each year or part
11 thereof ending in 3 or 8, \$30 for each year or part thereof
12 ending in 4 or 9, between the date of filing the application
13 and the date of the renewal of the assumed corporate name; and
14 a renewal fee for each assumed corporate name, \$150.

15 (r) To change an assumed corporate name for the period
16 remaining until the renewal date of the original assumed name,
17 \$25.

18 (s) Filing an application for cancellation of an assumed
19 corporate name, \$5.

20 (t) Filing an application to register the corporate name of
21 a foreign corporation, \$50; and an annual renewal fee for the
22 registered name, \$50.

23 (u) Filing an application for cancellation of a registered
24 name of a foreign corporation, \$25.

25 (v) Filing a statement of correction, \$25 ~~\$50~~.

26 (w) Filing a petition for refund or adjustment, \$5.

27 (x) Filing a statement of election of an extended filing
28 month, \$25.

29 (y) Filing any other statement or report, \$5.

30 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 12-1-03; 93-59,
31 eff. 7-1-03; revised 9-5-03.)

32 (805 ILCS 5/15.12)

33 Sec. 15.12. Disposition of fees. Of the total money
34 collected for the filing of an annual report under this Act,
35 \$10 ~~\$15~~ of the filing fee shall be paid into the Secretary of

1 State Special Services Fund. The remaining \$15 ~~\$60~~ shall be
2 deposited into the General Revenue Fund in the State Treasury.
3 (Source: P.A. 93-32, eff. 12-1-03.)

4 (805 ILCS 5/15.15) (from Ch. 32, par. 15.15)

5 Sec. 15.15. Miscellaneous charges. The Secretary of State
6 shall charge and collect;

7 (a) For furnishing a copy or certified copy of any
8 document, instrument, or paper relating to a corporation, \$0.50
9 per page, not not less than \$5, and \$5 for the certificate and
10 for affixing the seal thereto ~~or for a certificate, \$25.~~

11 (b) At the time of any service of process, notice or demand
12 on him or her as resident agent of a corporation, \$10, which
13 amount may be recovered as taxable costs by the party to the
14 suit or action causing such service to be made if such party
15 prevails in the suit or action.

16 (Source: P.A. 93-32, eff. 12-1-03.)

17 (805 ILCS 5/15.45) (from Ch. 32, par. 15.45)

18 Sec. 15.45. Rate of franchise taxes payable by domestic
19 corporations.

20 (a) The annual franchise tax payable by each domestic
21 corporation shall be computed at the rate of 1/12 of 1/10 of 1%
22 for each calendar month or fraction thereof for the period
23 commencing on the first day of July 1983 to the first day of
24 the anniversary month in 1984, but in no event shall the amount
25 of the annual franchise tax be less than \$2.08333 per month
26 assessed on a minimum of \$25 per annum or more than
27 \$83,333.333333 per month; commencing on January 1, 1984 to the
28 first day of the anniversary month in 2004 and beginning again
29 on the effective date of this amendatory Act of the 94th
30 General Assembly, the annual franchise tax payable by each
31 domestic corporation shall be computed at the rate of 1/10 of
32 1% for the 12-months' period commencing on the first day of the
33 anniversary month or, in cases where a corporation has
34 established an extended filing month, the extended filing month

1 of the corporation, but in no event shall the amount of the
2 annual franchise tax be less than \$25 nor more than \$1,000,000
3 per annum; commencing with the first anniversary month that
4 occurs after December, 2003 until the effective date of this
5 amendatory Act of the 94th General Assembly, the annual
6 franchise tax payable by each domestic corporation shall be
7 computed at the rate of 1/10 of 1% for the 12-months' period
8 commencing on the first day of the anniversary month or, in
9 cases where a corporation has established an extended filing
10 month, the extended filing month of the corporation, but in no
11 event shall the amount of the annual franchise tax be less than
12 \$25 nor more than \$2,000,000 per annum.

13 (b) The annual franchise tax payable by each domestic
14 corporation at the time of filing a statement of election and
15 interim annual report in connection with an anniversary month
16 prior to January, 2004 and in connection with an anniversary
17 month on or after the effective date of this amendatory Act of
18 the 94th General Assembly shall be computed at the rate of 1/10
19 of 1% for the 12 month period commencing on the first day of
20 the anniversary month of the corporation next following such
21 filing, but in no event shall the amount of the annual
22 franchise tax be less than \$25 nor more than \$1,000,000 per
23 annum; commencing with the first anniversary month that occurs
24 after December, 2003 until the effective date of this
25 amendatory Act of the 94th General Assembly, the annual
26 franchise tax payable by each domestic corporation at the time
27 of filing a statement of election and interim annual report
28 shall be computed at the rate of 1/10 of 1% for the 12-month
29 period commencing on the first day of the anniversary month of
30 the corporation next following such filing, but in no event
31 shall the amount of the annual franchise tax be less than \$25
32 nor more than \$2,000,000 per annum.

33 (c) The annual franchise tax payable at the time of filing
34 the final transition annual report in connection with an
35 anniversary month prior to January, 2004 and in connection with
36 an anniversary month on or after the effective date of this

1 amendatory Act of the 94th General Assembly shall be an amount
2 equal to (i) 1/12 of 1/10 of 1% per month of the proportion of
3 paid-in capital represented in this State as shown in the final
4 transition annual report multiplied by (ii) the number of
5 months commencing with the anniversary month next following the
6 filing of the statement of election until, but excluding, the
7 second extended filing month, less the annual franchise tax
8 theretofore paid at the time of filing the statement of
9 election, but in no event shall the amount of the annual
10 franchise tax be less than \$2.08333 per month assessed on a
11 minimum of \$25 per annum or more than \$83,333.333333 per month;
12 commencing with the first anniversary month that occurs after
13 December, 2003 until the effective date of this amendatory Act
14 of the 94th General Assembly, the annual franchise tax payable
15 at the time of filing the final transition annual report shall
16 be an amount equal to (i) 1/12 of 1/10 of 1% per month of the
17 proportion of paid-in capital represented in this State as
18 shown in the final transition annual report multiplied by (ii)
19 the number of months commencing with the anniversary month next
20 following the filing of the statement of election until, but
21 excluding, the second extended filing month, less the annual
22 franchise tax theretofore paid at the time of filing the
23 statement of election, but in no event shall the amount of the
24 annual franchise tax be less than \$2.08333 per month assessed
25 on a minimum of \$25 per annum or more than \$166,666.666666 per
26 month.

27 (d) The initial franchise tax payable after January 1,
28 1983, but prior to January 1, 1991, by each domestic
29 corporation shall be computed at the rate of 1/10 of 1% for the
30 12 months' period commencing on the first day of the
31 anniversary month in which the certificate of incorporation is
32 issued to the corporation under Section 2.10 of this Act, but
33 in no event shall the franchise tax be less than \$25 nor more
34 than \$1,000,000 per annum. The initial franchise tax payable on
35 or after January 1, 1991, but prior to January 1, 2004 and
36 payable on or after the effective date of this amendatory Act

1 of the 94th General Assembly, by each domestic corporation
2 shall be computed at the rate of 15/100 of 1% for the 12 month
3 period commencing on the first day of the anniversary month in
4 which the certificate articles of incorporation is issued to
5 the corporation under ~~are filed in accordance with~~ Section 2.10
6 of this Act, but in no event shall the initial franchise tax be
7 less than \$25 nor more than \$1,000,000 per annum plus 1/20th of
8 1% of the basis therefor. The initial franchise tax payable on
9 or after January 1, 2004 until the effective date of this
10 amendatory Act of the 94th General Assembly, by each domestic
11 corporation shall be computed at the rate of 15/100 of 1% for
12 the 12-month period commencing on the first day of the
13 anniversary month in which the articles of incorporation are
14 filed in accordance with Section 2.10 of this Act, but in no
15 event shall the initial franchise tax be less than \$25 nor more
16 than \$2,000,000 per annum plus 1/10th of 1% of the basis
17 therefor.

18 (e) Each additional franchise tax payable by each domestic
19 corporation for the period beginning January 1, 1983 through
20 December 31, 1983 shall be computed at the rate of 1/12 of 1/10
21 of 1% for each calendar month or fraction thereof, between the
22 date of each respective increase in its paid-in capital and its
23 anniversary month in 1984; thereafter until the last day of the
24 month that is both after December 31, 1990 and the third month
25 immediately preceding the anniversary month in 1991, each
26 additional franchise tax payable by each domestic corporation
27 shall be computed at the rate of 1/12 of 1/10 of 1% for each
28 calendar month, or fraction thereof, between the date of each
29 respective increase in its paid-in capital and its next
30 anniversary month; however, if the increase occurs within the 2
31 month period immediately preceding the anniversary month, the
32 tax shall be computed to the anniversary month of the next
33 succeeding calendar year. Commencing with increases in paid-in
34 capital that occur subsequent to both December 31, 1990 and the
35 last day of the third month immediately preceding the
36 anniversary month in 1991, the additional franchise tax payable

1 by a domestic corporation shall be computed at the rate of
2 15/100 of 1%.

3 (Source: P.A. 93-32, eff. 12-1-03.)

4 (805 ILCS 5/15.75) (from Ch. 32, par. 15.75)

5 Sec. 15.75. Rate of franchise taxes payable by foreign
6 corporations.

7 (a) The annual franchise tax payable by each foreign
8 corporation shall be computed at the rate of 1/12 of 1/10 of 1%
9 for each calendar month or fraction thereof for the period
10 commencing on the first day of July 1983 to the first day of
11 the anniversary month in 1984, but in no event shall the amount
12 of the annual franchise tax be less than \$2.083333 per month
13 based on a minimum of \$25 per annum or more than \$83,333.333333
14 per month; commencing on January 1, 1984 to the first day of
15 the anniversary month in 2004 and commencing on or after the
16 effective date of this amendatory Act of the 94th General
17 Assembly, the annual franchise tax payable by each foreign
18 corporation shall be computed at the rate of 1/10 of 1% for the
19 12-months' period commencing on the first day of the
20 anniversary month or, in the case of a corporation that has
21 established an extended filing month, the extended filing month
22 of the corporation, but in no event shall the amount of the
23 annual franchise tax be less than \$25 nor more than \$1,000,000
24 per annum; commencing on January 1, 2004 until the effective
25 date of this amendatory Act of the 94th General Assembly, the
26 annual franchise tax payable by each foreign corporation shall
27 be computed at the rate of 1/10 of 1% for the 12-month period
28 commencing on the first day of the anniversary month or, in the
29 case of a corporation that has established an extended filing
30 month, the extended filing month of the corporation, but in no
31 event shall the amount of the annual franchise tax be less than
32 \$25 nor more then \$2,000,000 per annum.

33 (b) The annual franchise tax payable by each foreign
34 corporation at the time of filing a statement of election and
35 interim annual report in connection with an anniversary month

1 prior to January, 2004 and in connection with an anniversary
2 month on or after the effective date of this amendatory Act of
3 the 94th General Assembly shall be computed at the rate of 1/10
4 of 1% for the 12 month period commencing on the first day of
5 the anniversary month of the corporation next following the
6 filing, but in no event shall the amount of the annual
7 franchise tax be less than \$25 nor more than \$1,000,000 per
8 annum; commencing with the first anniversary month that occurs
9 after December, 2003 until the effective date of this
10 amendatory Act of the 94th General Assembly, the annual
11 franchise tax payable by each foreign corporation at the time
12 of filing a statement of election and interim annual report
13 shall be computed at the rate of 1/10 of 1% for the 12-month
14 period commencing on the first day of the anniversary month of
15 the corporation next following such filing, but in no event
16 shall the amount of the annual franchise tax be less than \$25
17 nor more than \$2,000,000 per annum.

18 (c) The annual franchise tax payable at the time of filing
19 the final transition annual report in connection with an
20 anniversary month prior to January, 2004 and in connection with
21 an anniversary month on or after the effective date of this
22 amendatory Act of the 94th General Assembly shall be an amount
23 equal to (i) 1/12 of 1/10 of 1% per month of the proportion of
24 paid-in capital represented in this State as shown in the final
25 transition annual report multiplied by (ii) the number of
26 months commencing with the anniversary month next following the
27 filing of the statement of election until, but excluding, the
28 second extended filing month, less the annual franchise tax
29 theretofore paid at the time of filing the statement of
30 election, but in no event shall the amount of the annual
31 franchise tax be less than \$2.083333 per month based on a
32 minimum of \$25 per annum or more than \$83,333.333333 per month;
33 commencing with the first anniversary month that occurs after
34 December, 2003 until the effective date of this amendatory Act
35 of the 94th General Assembly, the annual franchise tax payable
36 at the time of filing the final transition annual report shall

1 be an amount equal to (i) 1/12 of 1/10 of 1% per month of the
2 proportion of paid-in capital represented in this State as
3 shown in the final transition annual report multiplied by (ii)
4 the number of months commencing with the anniversary month next
5 following the filing of the statement of election until, but
6 excluding, the second extended filing month, less the annual
7 franchise tax theretofore paid at the time of filing the
8 statement of election, but in no event shall the amount of the
9 annual franchise tax be less than \$2.083333 per month based on
10 a minimum of \$25 per annum or more than \$166,666.666666 per
11 month.

12 (d) The initial franchise tax payable after January 1,
13 1983, but prior to January 1, 1991, by each foreign corporation
14 shall be computed at the rate of 1/10 of 1% for the 12 months'
15 period commencing on the first day of the anniversary month in
16 which the application for authority is filed by the corporation
17 under Section 13.15 of this Act, but in no event shall the
18 franchise tax be less than \$25 nor more than \$1,000,000 per
19 annum. Except in the case of a foreign corporation that has
20 begun transacting business in Illinois prior to January 1,
21 1991, the initial franchise tax payable on or after January 1,
22 1991, by each foreign corporation, shall be computed at the
23 rate of 15/100 of 1% for the 12-month period commencing on the
24 first day of the anniversary month in which the application for
25 authority is filed by the corporation under Section 13.15 of
26 this Act, but in no event shall the franchise tax for a taxable
27 year commencing prior to January 1, 2004 or commencing on or
28 after the effective date of this amendatory Act of the 94th
29 General Assembly be less than \$25 nor more than \$1,000,000 per
30 annum plus 1/20 of 1% of the basis therefor and in no event
31 shall the franchise tax for a taxable year commencing on or
32 after January 1, 2004 or commencing before the effective date
33 of this amendatory Act of the 94th General Assembly be less
34 than \$25 or more than \$2,000,000 per annum plus 1/20 of 1% of
35 the basis therefor.

36 (e) Whenever the application for authority indicates that

1 the corporation commenced transacting business:

2 (1) prior to January 1, 1991, the initial franchise tax
3 shall be computed at the rate of 1/12 of 1/10 of 1% for
4 each calendar month; or

5 (2) after December 31, 1990, the initial franchise tax
6 shall be computed at the rate of 1/12 of 15/100 of 1% for
7 each calendar month.

8 (f) Each additional franchise tax payable by each foreign
9 corporation for the period beginning January 1, 1983 through
10 December 31, 1983 shall be computed at the rate of 1/12 of 1/10
11 of 1% for each calendar month or fraction thereof between the
12 date of each respective increase in its paid-in capital and its
13 anniversary month in 1984; thereafter until the last day of the
14 month that is both after December 31, 1990 and the third month
15 immediately preceding the anniversary month in 1991, each
16 additional franchise tax payable by each foreign corporation
17 shall be computed at the rate of 1/12 of 1/10 of 1% for each
18 calendar month, or fraction thereof, between the date of each
19 respective increase in its paid-in capital and its next
20 anniversary month; however, if the increase occurs within the 2
21 month period immediately preceding the anniversary month, the
22 tax shall be computed to the anniversary month of the next
23 succeeding calendar year. Commencing with increases in paid-in
24 capital that occur subsequent to both December 31, 1990 and the
25 last day of the third month immediately preceding the
26 anniversary month in 1991, the additional franchise tax payable
27 by a foreign corporation shall be computed at the rate of
28 15/100 of 1%.

29 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 12-1-03.)

30 (805 ILCS 5/15.95) (from Ch. 32, par. 15.95)

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

33 (a) A special fund in the State treasury known as the
34 Division of Corporations Special Operations Fund is renamed the
35 Department of Business Services Special Operations Fund.

1 Moneys deposited into the Fund shall, subject to appropriation,
2 be used by the Department of Business Services of the Office of
3 the Secretary of State, hereinafter "Department", to create and
4 maintain the capability to perform expedited services in
5 response to special requests made by the public for same day or
6 24 hour service. Moneys deposited into the Fund shall be used
7 for, but not limited to, expenditures for personal services,
8 retirement, social security, contractual services, equipment,
9 electronic data processing, and telecommunications.

10 (b) The balance in the Fund at the end of any fiscal year
11 shall not exceed \$400,000 ~~\$600,000~~ and any amount in excess
12 thereof shall be transferred to the General Revenue Fund.

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

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

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

28 Restatement of articles, \$100 ~~\$200~~;

29 Merger, consolidation or exchange, \$100 ~~\$200~~;

30 Articles of incorporation, \$50 ~~\$100~~;

31 Articles of amendment, \$50 ~~\$100~~;

32 Revocation of dissolution, \$50 ~~\$100~~;

33 Reinstatement, \$50 ~~\$100~~;

34 Application for authority, \$50 ~~\$100~~;

35 Cumulative report of changes in issued shares or paid-in
36 capital, \$50 ~~\$100~~;

1 Report following merger or consolidation, \$50 ~~\$100~~;

2 Certificate of good standing or fact, \$10 ~~\$20~~;

3 All other filings, copies of documents, annual reports
4 filed on or after January 1, 1984, and copies of documents of
5 dissolved or revoked corporations having a file number over
6 5199, \$25 ~~\$50~~.

7 (f) Expedited services shall not be available for a
8 statement of correction, a petition for refund or adjustment,
9 or a request involving annual reports filed before January 1,
10 1984 or involving dissolved corporations with a file number
11 below 5200.

12 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 9-1-03; 93-59,
13 eff. 7-1-03; revised 9-5-03.)

14 (805 ILCS 15/5.1 rep.)

15 Section 220. The Medical Corporation Act is amended by
16 repealing Section 5.1.

17 Section 225. The Limited Liability Company Act is amended
18 by changing Sections 45-45, 50-10, 50-15, and 50-50 as follows:

19 (805 ILCS 180/45-45)

20 Sec. 45-45. Transaction of business without admission.

21 (a) A foreign limited liability company transacting
22 business in this State may not maintain a civil action in any
23 court of this State until the limited liability company is
24 admitted to transact business in this State.

25 (b) The failure of a foreign limited liability company to
26 be admitted to transact business in this State does not impair
27 the validity of any contract or act of the foreign limited
28 liability company or prevent the foreign limited liability
29 company from defending any civil action in any court of this
30 State.

31 (c) A foreign limited liability company, by transacting
32 business in this State without being admitted to do so,
33 appoints the Secretary of State as its agent upon whom any

1 notice, process, or demand may be served.

2 (d) A foreign limited liability company that transacts
3 business in this State without being admitted to do so shall be
4 liable to the State for the years or parts thereof during which
5 it transacted business in this State without being admitted in
6 an amount equal to all fees that would have been imposed by
7 this Article upon that limited liability company had it been
8 duly admitted, filed all reports required by this Article, and
9 paid all penalties imposed by this Article. If a limited
10 liability company fails to be admitted to do business in this
11 State within 60 days after it commences transacting business in
12 Illinois, it is liable for a penalty of \$1,000 ~~\$2,000~~ plus \$50
13 ~~\$100~~ for each month or fraction thereof in which it has
14 continued to transact business in this State without being
15 admitted to do so. The Attorney General shall bring proceedings
16 to recover all amounts due this State under this Article.

17 (e) A member of a foreign limited liability company is not
18 liable for the debts and obligations of the limited liability
19 company solely by reason of the company's having transacted
20 business in this State without being admitted to do so.

21 (Source: P.A. 93-32, eff. 12-1-03.)

22 (805 ILCS 180/50-10)

23 Sec. 50-10. Fees.

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

27 (1) Fees for filing documents.

28 (2) Miscellaneous charges.

29 (3) Fees for the sale of lists of filings and for
30 copies of any documents.

31 (b) The Secretary of State shall charge and collect for all
32 of the following:

33 (1) Filing articles of organization (domestic),
34 application for admission (foreign), and restated articles
35 of organization (domestic), \$400 ~~\$500~~. Notwithstanding the

1 foregoing, the fee for filing articles of organization
2 (domestic), application for admission (foreign), and
3 restated articles of organization (domestic) in connection
4 with a limited liability company with a series pursuant to
5 Section 37-40 of this Act is \$750.

6 (2) Filing amendments (domestic or foreign), \$100
7 ~~\$150~~.

8 (3) Filing articles of dissolution or application for
9 withdrawal, \$100.

10 (4) Filing an application to reserve a name, \$300.

11 (5) Renewal fee for reserved name, \$100.

12 (6) Filing a notice of a transfer of a reserved name,
13 \$100.

14 (7) Registration of a name, \$300.

15 (8) Renewal of registration of a name, \$100.

16 (9) Filing an application for use of an assumed name
17 under Section 1-20 of this Act, \$150 for each year or part
18 thereof ending in 0 or 5, \$120 for each year or part
19 thereof ending in 1 or 6, \$90 for each year or part thereof
20 ending in 2 or 7, \$60 for each year or part thereof ending
21 in 3 or 8, \$30 for each year or part thereof ending in 4 or
22 9, and a renewal for each assumed name, \$150.

23 (10) Filing an application for change of an assumed
24 name, \$100.

25 (11) Filing an annual report of a limited liability
26 company or foreign limited liability company, \$200 \$250, if
27 filed as required by this Act, plus a penalty if
28 delinquent. Notwithstanding the foregoing, the fee for
29 filing an annual report of a limited liability company or
30 foreign limited liability company is \$250 plus \$50 for each
31 series for which a certificate of designation has been
32 filed pursuant to Section 37-40 of this Act, plus a penalty
33 if delinquent.

34 (12) Filing an application for reinstatement of a
35 limited liability company or foreign limited liability
36 company \$500.

1 (13) Filing Articles of Merger, \$100 plus \$50 for each
2 party to the merger in excess of the first 2 parties.

3 (14) Filing an Agreement of Conversion or Statement of
4 Conversion, \$100.

5 (15) Filing a statement of change of address of
6 registered office or change of registered agent, or both,
7 or filing a statement of correction, \$25.

8 (16) Filing a petition for refund, \$15.

9 (17) Filing any other document, \$100.

10 (18) Filing a certificate of designation of a limited
11 liability company with a series pursuant to Section 37-40
12 of this Act, \$50.

13 (c) The Secretary of State shall charge and collect all of
14 the following:

15 (1) For furnishing a copy or certified copy of any
16 document, instrument, or paper relating to a limited
17 liability company or foreign limited liability company, or
18 for a certificate, \$25.

19 (2) For the transfer of information by computer process
20 media to any purchaser, fees established by rule.

21 (Source: P.A. 93-32, eff. 12-1-03; 93-59, eff. 7-1-03; 94-605,
22 eff. 1-1-06; 94-607, eff. 8-16-05; revised 8-29-05.)

23 (805 ILCS 180/50-15)

24 Sec. 50-15. Penalty.

25 (a) The Secretary of State shall declare any limited
26 liability company or foreign limited liability company to be
27 delinquent and not in good standing if any of the following
28 occur:

29 (1) It has failed to file its annual report and pay the
30 requisite fee as required by this Act before the first day
31 of the anniversary month in the year in which it is due.

32 (2) It has failed to appoint and maintain a registered
33 agent in Illinois within 60 days of notification of the
34 Secretary of State by the resigning registered agent.

35 (3) (Blank).

1 (b) If the limited liability company or foreign limited
2 liability company has not corrected the default within the time
3 periods prescribed by this Act, the Secretary of State shall be
4 empowered to invoke any of the following penalties:

5 (1) For failure or refusal to comply with subsection
6 (a) of this Section within 60 days after the due date, a
7 penalty of \$100 plus \$50 for each month or fraction thereof
8 until returned to good standing or until administratively
9 dissolved by the Secretary of State ~~\$300 plus \$100 for each~~
10 ~~year or fraction thereof beginning with the second year of~~
11 ~~delinquency until returned to good standing or until~~
12 ~~reinstatement is effected.~~

13 (2) The Secretary of State shall not file any
14 additional documents, amendments, reports, or other papers
15 relating to any limited liability company or foreign
16 limited liability company organized under or subject to the
17 provisions of this Act until any delinquency under
18 subsection (a) is satisfied.

19 (3) In response to inquiries received in the Office of
20 the Secretary of State from any party regarding a limited
21 liability company that is delinquent, the Secretary of
22 State may show the limited liability company as not in good
23 standing.

24 (Source: P.A. 93-32, eff. 12-1-03; 94-605, eff. 1-1-06.)

25 (805 ILCS 180/50-50)

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

28 (a) A special fund in the State treasury is created and
29 shall be known as the Department of Business Services Special
30 Operations Fund. Moneys deposited into the Fund shall, subject
31 to appropriation, be used by the Department of Business
32 Services of the Office of the Secretary of State, hereinafter
33 "Department", to create and maintain the capability to perform
34 expedited services in response to special requests made by the
35 public for same-day or 24-hour service. Moneys deposited into

1 the Fund shall be used for, but not limited to, expenditures
2 for personal services, retirement, Social Security,
3 contractual services, equipment, electronic data processing,
4 and telecommunications.

5 (b) The balance in the Fund at the end of any fiscal year
6 shall not exceed \$400,000 ~~\$600,000~~, and any amount in excess
7 thereof shall be transferred to the General Revenue Fund.

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

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

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

23 Restated articles of organization, \$100 ~~\$200~~;

24 Merger or conversion, \$100 ~~\$200~~;

25 Articles of organization, \$50 ~~\$100~~;

26 Articles of amendment, \$50 ~~\$100~~;

27 Reinstatement, \$50 ~~\$100~~;

28 Application for admission to transact business, \$50 ~~\$100~~;

29 Certificate of good standing or abstract of computer
30 record, \$10 ~~\$20~~;

31 All other filings, copies of documents, annual reports, and
32 copies of documents of dissolved or revoked limited liability
33 companies, \$25 ~~\$50~~.

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

35 Section 230. The Revised Uniform Limited Partnership Act is

1 amended by changing Sections 1102 and 1111 as follows:

2 (805 ILCS 210/1102) (from Ch. 106 1/2, par. 161-2)

3 (Section scheduled to be repealed on January 1, 2008)

4 Sec. 1102. Fees.

5 (a) The Secretary of State shall charge and collect in
6 accordance with the provisions of this Act and rules
7 promulgated pursuant to its authority:

8 (1) fees for filing documents;

9 (2) miscellaneous charges;

10 (3) fees for the sale of lists of filings, copies of
11 any documents, and for the sale or release of any
12 information.

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

14 (1) filing certificates of limited partnership
15 (domestic), certificates of admission (foreign), restated
16 certificates of limited partnership (domestic), and
17 restated certificates of admission (foreign), \$75 ~~\$150~~;

18 (2) filing certificates to be governed by this Act, \$25
19 ~~\$50~~;

20 (3) filing amendments and certificates of amendment,
21 \$25 ~~\$50~~;

22 (4) filing certificates of cancellation, \$25;

23 (5) filing an application for use of an assumed name
24 pursuant to Section 108 of this Act, \$150 for each year or
25 part thereof ending in 0 or 5, \$120 for each year or part
26 thereof ending in 1 or 6, \$90 for each year or part thereof
27 ending in 2 or 7, \$60 for each year or part thereof ending
28 in 3 or 8, \$30 for each year or part thereof ending in 4 or
29 9, and a renewal fee for each assumed name, \$150;

30 (6) filing a renewal report of a domestic or foreign
31 limited partnership, \$15 ~~\$150~~ if filed as required by this
32 Act, plus \$100 penalty if delinquent;

33 (7) filing an application for reinstatement of a
34 domestic or foreign limited partnership, and for issuing a
35 certificate of reinstatement, \$100 ~~\$200~~;

1 (8) filing any other document, \$5 ~~\$50~~.

2 (c) The Secretary of State shall charge and collect:

3 (1) for furnishing a copy or certified copy of any
4 document, instrument or paper relating to a domestic
5 limited partnership or foreign limited partnership, \$0.50
6 per page, but not less than \$5, and \$5 for the certificate
7 and for affixing the seal thereto ~~\$25~~; and

8 (2) for the transfer of information by computer process
9 media to any purchaser, fees established by rule.

10 (Source: P.A. 93-32, eff. 7-1-03; 93-967, eff. 1-1-05. Repealed
11 on 1-1-2008 by 805 ILCS 215/1401.)

12 (805 ILCS 210/1111)

13 (Section scheduled to be repealed on January 1, 2008)

14 Sec. 1111. Department of Business Services Special
15 Operations Fund.

16 (a) A special fund in the State Treasury is created and
17 shall be known as the Department of Business Services Special
18 Operations Fund. Moneys deposited into the Fund shall, subject
19 to appropriation, be used by the Department of Business
20 Services of the Office of the Secretary of State, hereinafter
21 "Department", to create and maintain the capability to perform
22 expedited services in response to special requests made by the
23 public for same day or 24 hour service. Moneys deposited into
24 the Fund shall be used for, but not limited to, expenditures
25 for personal services, retirement, social security contractual
26 services, equipment, electronic data processing, and
27 telecommunications.

28 (b) The balance in the Fund at the end of any fiscal year
29 shall not exceed \$400,000 ~~\$600,000~~ and any amount in excess
30 thereof shall be transferred to the General Revenue Fund.

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

35 (d) "Expedited services" means services rendered within

1 the same day, or within 24 hours from the time, the request
2 therefor is submitted by the filer, law firm, service company,
3 or messenger physically in person, or at the Secretary of
4 State's discretion, by electronic means, to the Department's
5 Springfield Office or Chicago Office and includes requests for
6 certified copies, photocopies, and certificates of existence
7 or abstracts of computer record made to the Department's
8 Springfield Office in person or by telephone, or requests for
9 certificates of existence or abstracts of computer record made
10 in person or by telephone to the Department's Chicago Office.

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

12 Merger or conversion, \$100 ~~\$200~~;

13 Certificate of limited partnership, \$50 ~~\$100~~;

14 Certificate of amendment, \$50 ~~\$100~~;

15 Reinstatement, \$50 ~~\$100~~;

16 Application for admission to transact business, \$50 ~~\$100~~;

17 Certificate of cancellation of admission, \$50 ~~\$100~~;

18 Certificate of existence or abstract of computer record,
19 \$10 ~~\$20~~.

20 All other filings, copies of documents, biennial renewal
21 reports, and copies of documents of canceled limited
22 partnerships, \$25 ~~\$50~~.

23 (Source: P.A. 93-32, eff. 7-1-03; 93-967, eff. 1-1-05. Repealed
24 on 1-1-2008 by 805 ILCS 215/1401.)

25 (815 ILCS 5/18.1 rep.)

26 Section 235. The Illinois Securities Law of 1953 is amended
27 by repealing Section 18.1.

28 Section 240. The Workers' Compensation Act is amended by
29 changing Section 4d as follows:

30 (820 ILCS 305/4d)

31 Sec. 4d. Illinois Workers' Compensation Commission
32 Operations Fund Fee.

33 (a) As of July 30, 2004 (the effective date of Public Act

1 93-840) and until the effective date of this amendatory Act of
2 the 94th General Assembly ~~this amendatory Act of the 93rd~~
3 ~~General Assembly~~, each employer that self-insures its
4 liabilities arising under this Act or Workers' Occupational
5 Diseases Act shall pay a fee measured by the annual actual
6 wages paid in this State of such an employer in the manner
7 provided in this Section. Such proceeds shall be deposited in
8 the Illinois Workers' Compensation Commission Operations Fund.
9 If an employer survives or was formed by a merger,
10 consolidation, reorganization, or reincorporation, the actual
11 wages paid in this State of all employers party to the merger,
12 consolidation, reorganization, or reincorporation shall, for
13 purposes of determining the amount of the fee imposed by this
14 Section, be regarded as those of the surviving or new employer.

15 (b) Beginning on July 30, 2004 (the effective date of
16 Public Act 93-840) and until the effective date of this
17 amendatory Act of the 94th General Assembly ~~this amendatory Act~~
18 ~~of 2004~~ and on July 1 of each year thereafter, the Chairman
19 shall charge and collect an annual Illinois Workers'
20 Compensation Commission Operations Fund Fee from every
21 employer subject to subsection (a) of this Section equal to
22 0.0075% of its annual actual wages paid in this State as
23 reported in each employer's annual self-insurance renewal
24 filed for the previous year as required by Section 4 of this
25 Act and Section 4 of the Workers' Occupational Diseases Act.
26 All sums collected by the Commission under the provisions of
27 this Section shall be paid promptly after the receipt of the
28 same, accompanied by a detailed statement thereof, into the
29 Illinois Workers' Compensation Commission Operations Fund. The
30 fee due pursuant to Public Act 93-840 ~~this amendatory Act of~~
31 ~~2004~~ shall be collected instead of the fee due on July 1, 2004
32 under Public Act 93-32. Payment of the fee due under Public Act
33 93-840 ~~this amendatory Act of 2004~~ shall discharge the
34 employer's obligations due on July 1, 2004.

35 (c) In addition to the authority specifically granted under
36 Section 16, the Chairman shall have such authority to adopt

1 rules or establish forms as may be reasonably necessary for
2 purposes of enforcing this Section. The Commission shall have
3 authority to defer, waive, or abate the fee or any penalties
4 imposed by this Section if in the Commission's opinion the
5 employer's solvency and ability to meet its obligations to pay
6 workers' compensation benefits would be immediately threatened
7 by payment of the fee due.

8 (d) When an employer fails to pay the full amount of any
9 annual Illinois Workers' Compensation Commission Operations
10 Fund Fee of \$100 or more due under this Section, there shall be
11 added to the amount due as a penalty the greater of \$1,000 or
12 an amount equal to 5% of the deficiency for each month or part
13 of a month that the deficiency remains unpaid.

14 (e) The Commission may enforce the collection of any
15 delinquent payment, penalty or portion thereof by legal action
16 or in any other manner by which the collection of debts due the
17 State of Illinois may be enforced under the laws of this State.

18 (f) Whenever it appears to the satisfaction of the Chairman
19 that an employer has paid pursuant to this Act an Illinois
20 Workers' Compensation Commission Operations Fund Fee in an
21 amount in excess of the amount legally collectable from the
22 employer, the Chairman shall issue a credit memorandum for an
23 amount equal to the amount of such overpayment. A credit
24 memorandum may be applied for the 2-year period from the date
25 of issuance against the payment of any amount due during that
26 period under the fee imposed by this Section or, subject to
27 reasonable rule of the Commission including requirement of
28 notification, may be assigned to any other employer subject to
29 regulation under this Act. Any application of credit memoranda
30 after the period provided for in this Section is void.

31 (Source: P.A. 93-32, eff. 6-20-03; 93-721, eff. 1-1-05; 93-840,
32 eff. 7-30-04; revised 10-25-04.)

33 Section 999. Effective date. This Act takes effect upon
34 becoming law.

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