



Rep. Jack D. Franks

Filed: 5/7/2008

09500HB4585ham003

LRB095 15275 DRJ 50239 a

1 AMENDMENT TO HOUSE BILL 4585

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4585 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Mobile Home Local Services Tax Act is  
5 amended by changing Section 7 as follows:

6 (35 ILCS 515/7) (from Ch. 120, par. 1207)

7 Sec. 7. The local services tax for owners of mobile homes  
8 who (a) are actually residing in such mobile homes, (b) hold  
9 title to such mobile home as provided in the "Illinois Vehicle  
10 Code", ~~approved September 29, 1969, as amended,~~ and (c) are 65  
11 years of age or older or are disabled persons within the  
12 meaning of Section 3.14 of the "Senior Citizens and Disabled  
13 Persons Property Tax Relief and Pharmaceutical Assistance Act"  
14 on the annual billing date shall be reduced to 80 percent of  
15 the tax provided for in Section 3 of this Act. Proof that a

1 claimant has been issued an Illinois Disabled Person  
2 Identification Card stating that the claimant is under a Class  
3 2 disability, as provided in Section 4A of the ~~The~~ Illinois  
4 Identification Card Act, shall constitute proof that the person  
5 thereon named is a disabled person within the meaning of this  
6 Act. An application for reduction of the tax shall be filed  
7 with the county clerk by the individuals who are entitled to  
8 the reduction. If the application is filed after May 1, the  
9 reduction in tax shall begin with the next annual bill.  
10 Application for the reduction in tax shall be done by  
11 submitting proof that the applicant has been issued an Illinois  
12 Disabled Person Identification Card designating the  
13 applicant's disability as a Class 2 disability, or by affidavit  
14 in substantially the following form:

15 APPLICATION FOR REDUCTION OF MOBILE HOME LOCAL SERVICES TAX

16 I hereby make application for a reduction to 80% of the  
17 total tax imposed under "An Act to provide for a local services  
18 tax on mobile homes".

19 (1) Senior Citizens

20 (a) I actually reside in the mobile home ....

21 (b) I hold title to the mobile home as provided in the  
22 Illinois Vehicle Code ....

23 (c) I reached the age of 65 on or before either January 1  
24 (or July 1) of the year in which this statement is filed. My  
25 date of birth is: ...

26 (2) Disabled Persons

1 (a) I actually reside in the mobile home...

2 (b) I hold title to the mobile home as provided in the  
3 Illinois Vehicle Code ....

4 (c) I was totally disabled on ... and have remained  
5 disabled until the date of this application. My Social  
6 Security, Veterans, Railroad or Civil Service Total Disability  
7 Claim Number is ... The undersigned declares under the penalty  
8 of perjury that the above statements are true and correct.

9 Dated (insert date).

10 .....

11 Signature of owner

12 .....

13 (Address)

14 .....

15 (City) (State) (Zip)

16 Approved by:

17 .....

18 (Assessor)

19 This application shall be accompanied by a copy of the  
20 applicant's most recent application filed with the Illinois  
21 Department on Aging ~~of Revenue~~ under the "Senior Citizens and  
22 Disabled Persons Property Tax Relief and Pharmaceutical  
23 Assistance Act," ~~approved July 17, 1972, as amended.~~

24 (Source: P.A. 91-357, eff. 7-29-99.)

1           Section 10. The Citizens Utility Board Act is amended by  
2 changing Section 9 as follows:

3           (220 ILCS 10/9) (from Ch. 111 2/3, par. 909)

4           Sec. 9. Mailing procedure.

5           (1) As used in this Section:

6           (a) "Enclosure" means a card, leaflet, envelope or  
7 combination thereof furnished by the corporation under  
8 this Section.

9           (b) "Mailing" means any communication by a State  
10 agency, other than a mailing made ~~by the Department of~~  
11 ~~Revenue~~ under the Senior Citizens and Disabled Persons  
12 Property Tax Relief and Pharmaceutical Assistance Act,  
13 that is sent through the United States Postal Service to  
14 more than 50,000 persons within a 12-month period.

15           (c) "State agency" means any officer, department,  
16 board, commission, institution or entity of the executive  
17 or legislative branches of State government.

18           (2) To accomplish its powers and duties under Section 5  
19 this Act, the corporation, subject to the following  
20 limitations, may prepare and furnish to any State agency an  
21 enclosure to be included with a mailing by that agency.

22           (a) A State agency furnished with an enclosure shall  
23 include the enclosure within the mailing designated by the  
24 corporation.

25           (b) An enclosure furnished by the corporation under

1           this Section shall be provided to the State agency a  
2           reasonable period of time in advance of the mailing.

3           (c) An enclosure furnished by the corporation under  
4           this Section shall be limited to informing the reader of  
5           the purpose, nature and activities of the corporation as  
6           set forth in this Act and informing the reader that it may  
7           become a member in the corporation, maintain membership in  
8           the corporation and contribute money to the corporation  
9           directly.

10          (d) Prior to furnishing an enclosure to the State  
11          agency, the corporation shall seek and obtain approval of  
12          the content of the enclosure from the Illinois Commerce  
13          Commission. The Commission shall approve the enclosure if  
14          it determines that the enclosure (i) is not false or  
15          misleading and (ii) satisfies the requirements of this Act.  
16          The Commission shall be deemed to have approved the  
17          enclosure unless it disapproves the enclosure within 14  
18          days from the date of receipt.

19          (3) The corporation shall reimburse each State agency for  
20          all reasonable incremental costs incurred by the State agency  
21          in complying with this Section above the agency's normal  
22          mailing and handling costs, provided that:

23               (a) The State agency shall first furnish the  
24               corporation with an itemized accounting of such additional  
25               cost; and

26               (b) The corporation shall not be required to reimburse

1 the State agency for postage costs if the weight of the  
2 corporation's enclosure does not exceed .35 ounce  
3 avoirdupois. If the corporation's enclosure exceeds that  
4 weight, then it shall only be required to reimburse the  
5 State agency for postage cost over and above what the  
6 agency's postage cost would have been had the enclosure  
7 weighed only .35 ounce avoirdupois.

8 (Source: P.A. 87-205.)

9 Section 15. The Senior Citizens and Disabled Persons  
10 Property Tax Relief and Pharmaceutical Assistance Act is  
11 amended by changing Sections 1, 2, 3.01, 3.04, 3.05, 3.06,  
12 3.07, 3.08, 3.09, 3.10, 3.11, 3.12, 3.13, 3.14, 7, 8, 8a, 9,  
13 10, 11, 12, and 13 and by adding Sections 1.5, 3.01a, 3.03a,  
14 3.05a, 4A, 5A, 5A.5, 5A.10, 5A.15, 5A.20, 6A, 6A.5, 6A.10,  
15 6A.15, 6A.20, 6A.25, 6A.30, 6A.35, and 7.5 as follows:

16 (320 ILCS 25/1) (from Ch. 67 1/2, par. 401)

17 Sec. 1. Short title; common name. This Article shall be  
18 known and may be cited as the "Senior Citizens and Disabled  
19 Persons Property Tax Relief and Pharmaceutical Assistance  
20 Act". Common references to the "Circuit Breaker Act" mean this  
21 Article. As used in this Article, "this Act" means this  
22 Article.

23 (Source: P.A. 83-1531.)

1 (320 ILCS 25/1.5 new)

2 Sec. 1.5. Implementation of Executive Order No. 3 of 2004.  
3 Executive Order No. 3 of 2004, in part, provided for the  
4 transfer of the programs under this Act from the Department of  
5 Revenue to the Department on Aging and the Department of  
6 Healthcare and Family Services. It is the purpose of this  
7 amendatory Act of the 95th General Assembly to conform this Act  
8 and certain related provisions of other statutes to that  
9 Executive Order. This amendatory Act of the 95th General  
10 Assembly also reorganizes and makes technical and other changes  
11 to this Act to improve its organization and readability. This  
12 amendatory Act of the 95th General Assembly does not accelerate  
13 or delay the taking effect of any changes in the law made by  
14 Executive Order No. 3 of 2004.

15 (320 ILCS 25/2) (from Ch. 67 1/2, par. 402)

16 Sec. 2. Purpose.

17 The purpose of this Act is to provide incentives to the  
18 senior citizens and disabled persons of this State to acquire  
19 and retain private housing of their choice and at the same time  
20 to relieve those citizens from the burdens of extraordinary  
21 property taxes and rising drug costs against their increasingly  
22 restricted earning power, and thereby to reduce the  
23 requirements for public housing in this State.

24 (Source: P.A. 77-2059.)

1 (320 ILCS 25/3.01) (from Ch. 67 1/2, par. 403.01)

2 Sec. 3.01. Claimant. "Claimant" means an individual who has  
3 filed a claim for a property tax relief grant under this Act.  
4 In appropriate contexts, "claimant" also includes a person who  
5 has applied for pharmaceutical assistance under this Act or for  
6 other benefits that are based on eligibility for benefits under  
7 this Act.

8 (Source: P.A. 77-2059.)

9 (320 ILCS 25/3.01a new)

10 Sec. 3.01a. Claim year. "Claim year" means the calendar  
11 year prior to the period of time during which a claimant may  
12 file an application for benefits under this Act.

13 (320 ILCS 25/3.03a new)

14 Sec. 3.03a. Federal Poverty Level. "Federal Poverty Level"  
15 means the federal poverty income guidelines as determined  
16 annually by the United States Department of Health and Human  
17 Services and updated periodically in the Federal Register by  
18 that Department under the authority of 42 U.S.C. 9902(2).

19 (320 ILCS 25/3.04) (from Ch. 67 1/2, par. 403.04)

20 Sec. 3.04. Gross rent. "Gross rent ~~Rent~~" means the total  
21 amount paid solely for the right to occupy a residence.

22 If the residence is a nursing or sheltered care home,  
23 "gross rent" means the amount paid in a taxable year that is

1 attributable to the cost of housing, but not of meals or care,  
2 for the claimant in that home, determined in accordance with  
3 regulations of the Department on Aging.

4 (Source: P.A. 78-1249; 78-1297.)

5 (320 ILCS 25/3.05) (from Ch. 67 1/2, par. 403.05)

6 Sec. 3.05. Household. "Household" means ~~a claimant or~~ a  
7 claimant and his or her spouse, if any, living together in the  
8 same residence. The term does not include any additional  
9 resident who lives with the claimant.

10 (Source: P.A. 77-2059.)

11 (320 ILCS 25/3.05a new)

12 Sec. 3.05a. Additional resident. "Additional resident"  
13 means a person who (i) is living in the same residence with a  
14 claimant for the claim year and at the time of filing the  
15 claim, (ii) is not the spouse of the claimant, (iii) does not  
16 file a separate claim under this Act for the same period, and  
17 (iv) receives more than half of his or her total financial  
18 support for that claim year from the household.

19 (320 ILCS 25/3.06) (from Ch. 67 1/2, par. 403.06)

20 Sec. 3.06. Household income. "Household income" means the  
21 combined income of the members of a household. The term does  
22 not include the income of any qualified additional resident who  
23 lives with the claimant.

1 (Source: P.A. 77-2059.)

2 (320 ILCS 25/3.07) (from Ch. 67 1/2, par. 403.07)

3 Sec. 3.07. Income. "Income" means adjusted gross income,  
4 properly reportable for federal income tax purposes under the  
5 provisions of the Internal Revenue Code, modified by adding  
6 thereto the sum of the following amounts to the extent deducted  
7 or excluded from gross income in the computation of adjusted  
8 gross income:

9 (A) An amount equal to all amounts paid or accrued as  
10 interest or dividends during the taxable year;

11 (B) An amount equal to the amount of tax imposed by the  
12 Illinois Income Tax Act paid for the taxable year;

13 (C) An amount equal to all amounts received during the  
14 taxable year as an annuity under an annuity, endowment or  
15 life insurance contract or under any other contract or  
16 agreement;

17 (D) An amount equal to the amount of benefits paid  
18 under the Federal Social Security Act during the taxable  
19 year;

20 (E) An amount equal to the amount of benefits paid  
21 under the Railroad Retirement Act during the taxable year;

22 (F) An amount equal to the total amount of cash public  
23 assistance payments received from any governmental agency  
24 during the taxable year other than benefits received  
25 pursuant to this Act;

1 (G) An amount equal to any net operating loss carryover  
2 deduction or capital loss carryover deduction during the  
3 taxable year;

4 (H) ~~An~~ ~~For claim years beginning on or after January 1,~~  
5 ~~2002,~~ an amount equal to any benefits received under the  
6 Workers' Compensation Act or the Workers' Occupational  
7 Diseases Act during the taxable year.

8 "Income" does not include ~~any grant assistance received~~  
9 ~~under the Nursing Home Grant Assistance Act or~~ any  
10 distributions or items of income described under subparagraph  
11 (X) of paragraph (2) of subsection (a) of Section 203 of the  
12 Illinois Income Tax Act.

13 ~~This amendatory Act of 1987 shall be effective for purposes~~  
14 ~~of this Section for tax years ending on or after December 31,~~  
15 ~~1987.~~

16 (Source: P.A. 91-676, eff. 12-23-99; 92-131, eff. 7-23-01;  
17 92-519, eff. 1-1-02.)

18 (320 ILCS 25/3.08) (from Ch. 67 1/2, par. 403.08)

19 Sec. 3.08. Internal Revenue Code. "Internal Revenue Code"  
20 means the United States Internal Revenue Code of 1986 ~~1954~~ or  
21 any successor law or laws relating to federal income taxes in  
22 effect for the year.

23 (Source: P.A. 77-2059.)

24 (320 ILCS 25/3.09) (from Ch. 67 1/2, par. 403.09)

1           Sec. 3.09. Property taxes accrued. "Property taxes  
2 accrued" means the ad valorem property taxes extended against a  
3 residence, but does not include special assessments, interest  
4 or charges for service. In the case of real estate improved  
5 with a multidwelling or multipurpose building, "property taxes  
6 accrued" extended against a residence within such a building is  
7 an amount equal to the same percentage of the total property  
8 taxes extended against that real estate as improved as the  
9 value of the residence is to the total value of the building.  
10 If the multidwelling building is owned and operated as a  
11 cooperative, the value of an individual residence is the value  
12 of the interest in the cooperative held by the owner of record  
13 of the legal or equitable interest, other than a leasehold  
14 interest, in the cooperative which confers the right to occupy  
15 that residence. In determining the amount of grant under  
16 Section 5A.15 ~~4 for 1976 and thereafter~~, the applicable  
17 "property taxes accrued", as determined under this Section, are  
18 those payable or paid in the last preceding taxable year.

19           In addition, if the residence is a mobile home as defined  
20 in and subject to the tax imposed by the Mobile Home Local  
21 Services Tax Act, "property taxes accrued" includes the amount  
22 of privilege tax paid during the calendar year for which  
23 benefits are claimed under that Act on that mobile home. If  
24 ~~Beginning in taxable year 1999, if~~ (i) the residence is a  
25 mobile home, (ii) the resident is the record owner of the  
26 property upon which the mobile home is located, and (iii) the

1 resident is liable for the taxes imposed under the Property Tax  
2 Code for both the mobile home and the property, then "property  
3 taxes accrued" includes the amount of property taxes paid on  
4 both the mobile home and the property upon which the mobile  
5 home is located.

6 (Source: P.A. 91-357, eff. 7-29-99; 91-391, eff. 7-30-99.)

7 (320 ILCS 25/3.10) (from Ch. 67 1/2, par. 403.10)

8 Sec. 3.10. Regulations. "Regulations" includes both rules  
9 promulgated and forms prescribed by the applicable Department.  
10 In this Act, references to the rules of the Department on Aging  
11 or the Department of Healthcare and Family Services shall be  
12 deemed to include, in appropriate cases, the corresponding  
13 rules adopted by the Department of Revenue, to the extent that  
14 those rules continue in force under Executive Order No. 3 of  
15 2004.

16 (Source: P.A. 77-2059.)

17 (320 ILCS 25/3.11) (from Ch. 67 1/2, par. 403.11)

18 Sec. 3.11. Rent constituting property taxes accrued. "Rent  
19 constituting property taxes accrued" means 25% of the amount of  
20 gross rent paid in a taxable year for a residence that ~~which~~  
21 was subject to ad valorem property taxes in that year under the  
22 Property Tax Code.

23 (Source: P.A. 87-860; 88-670, eff. 12-2-94.)

1 (320 ILCS 25/3.12) (from Ch. 67 1/2, par. 403.12)

2 Sec. 3.12. Residence. "Residence" means the principal  
3 dwelling place occupied in this State by a household and so  
4 much of the surrounding land as is reasonably necessary for use  
5 of the dwelling as a home, and includes rental property, mobile  
6 homes, single family dwellings, and units in multifamily,  
7 multidwelling or multipurpose buildings. If the assessor has  
8 established a specific legal description for a portion of  
9 property constituting the residence, then that portion of  
10 property shall be deemed "residence" for the purposes of this  
11 Act. "Residence" also includes that portion of a nursing or  
12 sheltered care home occupied as a dwelling by a claimant,  
13 determined as prescribed in regulations of the Department on  
14 Aging.

15 (Source: P.A. 78-1249.)

16 (320 ILCS 25/3.13) (from Ch. 67 1/2, par. 403.13)

17 Sec. 3.13. Taxable year. "Taxable year" means the calendar  
18 year during which ad valorem property taxes payable in the next  
19 succeeding calendar year were levied.

20 (Source: P.A. 77-2059.)

21 (320 ILCS 25/3.14) (from Ch. 67 1/2, par. 403.14)

22 Sec. 3.14. Disabled person. "Disabled person" means a  
23 person unable to engage in any substantial gainful activity by  
24 reason of a medically determinable physical or mental

1 impairment ~~that which~~ can be expected to result in death or has  
2 lasted or can be expected to last for a continuous period of  
3 not less than 12 months. Disabled persons filing claims under  
4 this Act shall submit proof of disability in such form and  
5 manner as the Department on Aging shall by rule and regulation  
6 prescribe. Proof that a claimant is eligible to receive  
7 disability benefits under the federal ~~Federal~~ Social Security  
8 Act shall constitute proof of disability for purposes of this  
9 Act. Issuance of an Illinois Disabled Person Identification  
10 Card stating that the claimant is under a Class 2 disability,  
11 as defined in Section 4A of the ~~The~~ Illinois Identification  
12 Card Act, shall constitute proof that the person named thereon  
13 is a disabled person for purposes of this Act. A disabled  
14 person not covered under the federal ~~Federal~~ Social Security  
15 Act and not presenting a Disabled Person Identification Card  
16 stating that the claimant is under a Class 2 disability shall  
17 be examined by a physician designated by the Department on  
18 Aging, and his or her status as a disabled person determined  
19 using the same standards as are ~~used~~ by the Social Security  
20 Administration. The costs of any required examination shall be  
21 borne by the claimant.

22 (Source: P.A. 83-1421.)

23 (320 ILCS 25/4A new)

24 Sec. 4A. Application.

25 (a) The Department on Aging shall establish the form,

1 required eligibility and identification information, use of  
2 social security numbers, and manner of applying for benefits  
3 under this Act including claims filed on an emergency basis for  
4 new or renewed prescription drug benefits.

5 (b) The application may enable persons to apply separately  
6 or for both a property tax relief grant and pharmaceutical  
7 assistance on the same application. The application may also  
8 enable persons to apply for other State or federal programs  
9 that provide medical or pharmaceutical assistance or other  
10 benefits, as determined by the Department on Aging in  
11 conjunction with the Department of Healthcare and Family  
12 Services.

13 (c) Applications must be filed during the time period  
14 prescribed by the Department.

15 (320 ILCS 25/5A new)

16 Sec. 5A. Property Tax Relief; program. There is hereby  
17 established a program of property tax relief grants for senior  
18 citizens and disabled persons, which shall be administered by  
19 the Department on Aging in accordance with this Act and  
20 Executive Order No. 3 of 2004. These grants shall be payable to  
21 eligible claimants as provided in this Act.

22 (320 ILCS 25/5A.5 new)

23 Sec. 5A.5. Property Tax Relief; filing of claims.

24 (a) A person may file a claim for the year in which he or

1 she turns age 65 during that year.

2 (b) Only one member of a household may file a claim under  
3 this Act for the claim year; if both members of a household are  
4 otherwise entitled to claim a grant under this Act, they must  
5 agree as to which of them will file a claim for that claim  
6 year.

7 (c) The right to file a claim under this Act is personal to  
8 the claimant and shall not survive his or her death, but that  
9 right may be exercised on behalf of a claimant by his or her  
10 legal guardian or attorney-in-fact. If a claimant dies after  
11 having filed a timely claim, the amount of the grant shall be  
12 disbursed to the claimant's surviving spouse or, if no spouse  
13 survives, to his or her surviving dependent minor children in  
14 equal parts, provided that the spouse or child, as the case may  
15 be, resided with the claimant at the time he or she filed the  
16 claim. If at the time of disbursement neither the claimant nor  
17 his or her spouse survive, and no dependent minor children of  
18 the claimant survive, then the amount of the claim shall  
19 escheat to the State.

20 (320 ILCS 25/5A.10 new)

21 Sec. 5A.10. Property Tax Relief; eligibility.

22 (a) To be eligible to claim a grant under this Act, a  
23 person must be one of the following:

24 (1) An individual who is 65 years old or older (or who  
25 will become 65 years old during the calendar year in which

1 the claim is filed).

2 (2) The surviving spouse of a deceased claimant who, at  
3 the time of death, received or was entitled to receive a  
4 grant or pharmaceutical assistance under this Act, if the  
5 surviving spouse will attain age 65 within the 24 months  
6 immediately following the death of the claimant and is  
7 otherwise qualified to receive a grant.

8 (3) A disabled person who is 16 years old or older.

9 (b) To be eligible to claim a grant under this Act, a  
10 person must also be a member of a household that meets all of  
11 the following requirements:

12 (1) In the year for which the claim is filed, the  
13 household was liable for payment of property taxes accrued  
14 or paid rent constituting property taxes accrued.

15 (2) The household is domiciled in this State at the  
16 time of filing the claim.

17 (3) The household has annual household income of (i)  
18 less than \$22,218 for a one-person household with no  
19 qualified additional residents; (ii) less than \$29,480 for  
20 a one-person household with one qualified additional  
21 resident or a 2-person household with no qualified  
22 additional residents; or (iii) less than \$36,740 for a  
23 one-person household with 2 or more qualified additional  
24 residents or a 2-person household with one or more  
25 qualified additional residents, as adjusted for any income  
26 exemptions established through rulemaking adopted by the

1 Department on Aging. ("Annual household income" does not  
2 include the income of any qualified additional residents.)

3 On January 1, 2009, a one-time reconciliation shall be  
4 made to the foregoing household income eligibility limits  
5 to ensure correlation with any income exemptions  
6 established through rulemaking adopted by the Department  
7 of Healthcare and Family Services for pharmaceutical  
8 assistance.

9 If any household income eligibility limit is less than  
10 200% of the Federal Poverty Level for any year, the  
11 household income eligibility limit for that year for  
12 households of that size shall be income equal to or less  
13 than 200% of the Federal Poverty Level.

14 (c) Eligibility to receive a grant under this Act is not  
15 affected by participation in the program of deferrals created  
16 under the Senior Citizens Real Estate Tax Deferral Act.

17 (d) A qualified individual is not entitled to duplicate  
18 benefits in a claim year as a result of the changes made by  
19 this amendatory Act of 95th General Assembly.

20 (320 ILCS 25/5A.15 new)

21 Sec. 5A.15. Property Tax Relief; amount.

22 (a) In general. Except as otherwise provided in this  
23 Section, the maximum amount of the grant that a claimant is  
24 entitled to claim is the amount by which the property taxes  
25 accrued that were paid or payable during the last preceding tax

1 year upon the claimant's residence (or the rent constituting  
2 property taxes accrued for the last preceding tax year) exceeds  
3 3.5% of the claimant's household income for that year, but in  
4 no event is the grant to exceed (i) \$700 less 4.5% of household  
5 income for that year for a claimant with a household income of  
6 \$14,000 or less or (ii) \$70 for a claimant with a household  
7 income for that year of more than \$14,000.

8 (b) Age limitation. With respect to a claim filed by an  
9 individual who will become 65 years old during the calendar  
10 year in which the claim is filed, the amount of any grant to  
11 which that household is entitled shall be an amount equal to  
12 1/12 of the amount to which the claimant would otherwise be  
13 entitled, multiplied by the number of months in which the  
14 claimant was 65 years of age or older in the calendar year in  
15 which the claim is filed.

16 (c) Public aid recipients. If household income in one or  
17 more months during a year includes cash assistance in excess of  
18 \$55 per month from the Department of Human Services, which was  
19 determined under regulations of that Department on a measure of  
20 need that included an allowance for actual rent or property  
21 taxes paid by the recipient of that assistance, the amount of  
22 grant to which that household is entitled, except as otherwise  
23 provided in subsection (b), shall be the product of (1) the  
24 maximum amount computed as specified in subsection (a) of this  
25 Section and (2) the ratio of the number of months in which  
26 household income did not include such cash assistance over \$55

1 to the number 12. If household income did not include such cash  
2 assistance over \$55 for any months during the year, the amount  
3 of the grant to which the household is entitled shall be the  
4 maximum amount computed as specified in subsection (a) of this  
5 Section. For purposes of this subsection (c), "cash assistance"  
6 does not include any amount received under the federal  
7 Supplemental Security Income (SSI) program.

8 (d) Joint ownership. If title to the residence is held  
9 jointly by the claimant with a person who is not a member of  
10 his or her household, the grant to which the claimant is  
11 entitled shall be computed using a percentage of the total  
12 property taxes accrued that is the same as the percentage of  
13 ownership held by the claimant in the residence.

14 (e) More than one residence. If a claimant has occupied  
15 more than one residence in the taxable year, he or she may  
16 claim only one residence for any part of a month. In the case  
17 of property taxes accrued, the amount of the grant shall be  
18 prorated by 1/12 of the total property taxes accrued on his or  
19 her residence for each month that he or she owned and occupied  
20 that residence; and, in the case of rent constituting property  
21 taxes accrued, the amount of the grant shall be prorated for  
22 each month's rent payments on the residence actually occupied  
23 during that month.

24 (f) Claims of one dollar and under. If the amount of a  
25 grant computed under this Section is less than one dollar, the  
26 Department on Aging shall pay to the claimant one dollar.

1 (320 ILCS 25/5A.20 new)

2 Sec. 5A.20. Property Tax Relief; administration of claims.

3 (a) In general. Upon receipt of a timely filed claim, the  
4 Department on Aging shall determine whether the claimant is a  
5 person entitled to a grant under this Act and the amount of a  
6 grant to which he or she is entitled under this Act. The  
7 Department on Aging may require the claimant to furnish  
8 reasonable proof of the statements of domicile, household  
9 income, rent paid, property taxes accrued, and other matters on  
10 which entitlement is based and may withhold payment of a grant  
11 until the additional proof is furnished.

12 (b) Rental determination. If the Department on Aging finds  
13 that the gross rent used in the computation by a claimant of  
14 rent constituting property taxes accrued exceeds the fair  
15 rental value for the right to occupy that residence, the  
16 Department on Aging may determine the fair rental value for  
17 that residence and recompute rent constituting property taxes  
18 accrued accordingly.

19 (c) Fraudulent claims. The Department on Aging shall deny a  
20 claim if it determines that the claim was fraudulently prepared  
21 or that the claimant has acquired title to his or her residence  
22 or has paid rent for his or her residence primarily for the  
23 purpose of receiving a grant under this Act.

24 (d) Payment; notice. If a claim for a grant under this Act  
25 is approved, the Department on Aging shall order the grant to

1 be paid to the claimant, from appropriations made for that  
2 purpose, in the amount determined by the Department on Aging,  
3 as provided in this Act. If a claim is denied, the Department  
4 on Aging shall cause written notice of the denial and reasons  
5 for the denial to be sent to the claimant.

6 (e) The Department on Aging may enter into contracts and  
7 other agreements to implement and administer its powers and  
8 duties under this Act.

9 (f) Notwithstanding any other provision to the contrary,  
10 the Department on Aging may adopt rules regarding applications,  
11 proof of eligibility, required identification information, use  
12 of social security numbers, counting of income, and a method of  
13 computing "gross rent" in the case of a claimant living in a  
14 nursing or sheltered care home, and any other rules necessary  
15 for the cost-efficient operation of the program established  
16 under Section 5A.

17 (320 ILCS 25/6A new)

18 Sec. 6A. Pharmaceutical Assistance; program. There is  
19 hereby established a program of pharmaceutical assistance to  
20 the aged and disabled, entitled the Illinois Seniors and  
21 Disabled Drug Coverage Program, which shall be administered by  
22 the Department of Healthcare and Family Services and the  
23 Department on Aging in accordance with this Act and Executive  
24 Order No. 3 of 2004, to consist of coverage of specified  
25 prescription drugs on behalf of beneficiaries of the program.

1 (320 ILCS 25/6A.5 new)

2 Sec. 6A.5. Pharmaceutical Assistance; eligibility; rules.

3 (a) To become a beneficiary under the program established  
4 under Section 6A, a person must meet all of the following  
5 requirements:

6 (1) He or she must be (i) 65 years of age or older or  
7 (ii) a disabled person who is 16 years old or older.

8 (2) He or she must be domiciled in this State at the  
9 time of filing the claim and while receiving prescription  
10 drug coverage.

11 (3) He or she must enroll with a qualified Medicare  
12 Part D Prescription Drug Plan if eligible and apply for all  
13 available subsidies under Medicare Part D, unless he or she  
14 has creditable prescription drug coverage as defined at 42  
15 CFR 423.56(a).

16 (4) He or she must have an annual household income of  
17 (i) less than \$22,218 for a one-person household with no  
18 qualified additional residents; (ii) less than \$29,480 for  
19 a one-person household with one qualified additional  
20 resident or a 2-person household with no qualified  
21 additional residents; or (iii) less than \$36,740 for a  
22 one-person household with 2 or more qualified additional  
23 residents or a 2-person household with one or more  
24 qualified additional residents, as adjusted for any income  
25 exemptions established through rulemaking adopted by the

1 Department of Healthcare and Family Services. ("Annual  
2 household income" does not include the income of any  
3 qualified additional residents.)

4 If any income eligibility limit set forth in items (i)  
5 through (iii) is less than 200% of the Federal Poverty  
6 Level for any year, the income eligibility limit for that  
7 year for households of that size shall be income equal to  
8 or less than 200% of the Federal Poverty Level.

9 (b) Income eligibility for pharmaceutical assistance shall  
10 be determined using the applicant's current annual household  
11 income. The Department of Healthcare and Family Services, in  
12 cooperation with the Department on Aging, may define by rule a  
13 manner of projecting current annual household income when  
14 income is expected to decline.

15 (c) In order to receive pharmaceutical assistance under  
16 this Act, each eligible person must also sign a statement  
17 assigning to the State of Illinois the drug benefits that may  
18 be otherwise claimed under any private insurance plan.

19 (d) If both members of a household meet all of the  
20 requirements of this Section, then they are both eligible for  
21 pharmaceutical assistance under this Act. A qualified  
22 additional resident is not eligible for pharmaceutical  
23 assistance.

24 (e) Any person otherwise eligible for pharmaceutical  
25 assistance under this Section whose covered prescription drugs  
26 are covered by any public program is ineligible for assistance

1 under this subsection to the extent that the cost of those  
2 drugs is covered by the other program.

3 (f) A qualified individual is not entitled to duplicate  
4 benefits in a coverage period as a result of the changes made  
5 by this amendatory Act of 95th General Assembly.

6 (320 ILCS 25/6A.10 new)

7 Sec. 6A.10. Pharmaceutical Assistance; Medicare Part D. To  
8 the extent permitted by federal law, the Department of  
9 Healthcare and Family Services may act as an authorized  
10 representative of a beneficiary in order to enroll the  
11 beneficiary in a Medicare Part D Prescription Drug Plan if the  
12 beneficiary has failed to choose a plan and, when possible, to  
13 enroll a beneficiary in the low-income subsidy program under  
14 Medicare Part D or assist him or her in enrolling in that  
15 program.

16 (320 ILCS 25/6A.15 new)

17 Sec. 6A.15. Pharmaceutical Assistance; beneficiary groups.  
18 Beneficiaries under the program shall be divided into the  
19 following 5 eligibility groups:

20 (1) Eligibility Group 1 shall consist of beneficiaries  
21 who are not eligible for Medicare Part D coverage and who  
22 are any of the following:

23 (A) Disabled and under age 65.

24 (B) Age 65 or older, with incomes over 200% of the

1 Federal Poverty Level.

2 (C) Age 65 or older, with incomes at or below 200%  
3 of the Federal Poverty Level and not eligible for  
4 federally funded means-tested benefits due to  
5 immigration status.

6 (2) Eligibility Group 2 shall consist of beneficiaries  
7 otherwise described in Eligibility Group 1 but who are  
8 eligible for Medicare Part D coverage.

9 (3) Eligibility Group 3 shall consist of beneficiaries  
10 age 65 or older, with incomes at or below 200% of the  
11 Federal Poverty Level, who are not barred from receiving  
12 federally funded means-tested benefits due to immigration  
13 status and are eligible for Medicare Part D coverage.

14 (4) Eligibility Group 4 shall consist of beneficiaries  
15 age 65 or older, with incomes at or below 200% of the  
16 Federal Poverty Level, who are not barred from receiving  
17 federally funded means-tested benefits due to immigration  
18 status and are not eligible for Medicare Part D coverage.

19 If the State applies and receives federal approval for a  
20 waiver under Title XIX of the Social Security Act, persons  
21 in Eligibility Group 4 shall continue to receive benefits  
22 through the approved waiver, and Eligibility Group 4 may be  
23 expanded to include disabled persons under age 65 with  
24 incomes under 200% of the Federal Poverty Level who are not  
25 eligible for Medicare and who are not barred from receiving  
26 federally funded means-tested benefits due to immigration

1        status.

2            (5) On and after January 1, 2007, Eligibility Group 5  
3        shall consist of beneficiaries who are otherwise described  
4        in Eligibility Groups 2 and 3 who have a diagnosis of HIV  
5        or AIDS.

6            (320 ILCS 25/6A.20 new)

7        Sec. 6A.20. Pharmaceutical Assistance; cost-sharing.

8            (a) For beneficiaries in Eligibility Groups 2, 3, and 5,  
9        the program established under Section 6A shall cover the cost  
10       of covered prescription drugs in excess of the beneficiary  
11       cost-sharing amounts set forth in this Section that are not  
12       covered by Medicare. Beneficiaries in all Eligibility Groups  
13       shall pay co-payments equal to the co-payments required under  
14       Medicare Part D for "other low income subsidy eligible  
15       individuals" pursuant to 42 CFR 423.782 (b).

16           (b) For individuals in Eligibility Groups 1 and 4, once the  
17       program established under Section 6A has paid an amount  
18       equivalent to the amount established as the initial coverage  
19       limit defined at 42 CFR 423.104(d)(3), the beneficiary shall  
20       pay 20% of the cost of each prescription in addition to the  
21       co-payments set forth in this Section. For individuals in  
22       Eligibility Groups 2, 3, and 5, once the Medicare Part D  
23       initial coverage limit defined at 42 CFR 423.104(d)(3) has been  
24       reached for the year, the beneficiary shall pay 20% of the cost  
25       of each prescription in addition to the co-payments set forth

1 in this Section.

2 (c) For individuals in Eligibility Group 5, co-payments and  
3 cost-sharing shall be as described in subsection (b) of this  
4 Section unless the drug is included in the formulary of the  
5 Illinois AIDS Drug Assistance Program operated by the Illinois  
6 Department of Public Health and in the Medicare Part D plan's  
7 formulary. If the drug is included in the formulary of the  
8 Illinois AIDS Drug Assistance Program and the Medicare Part D  
9 plan's formulary, individuals in Eligibility Group 5 shall  
10 continue to pay the co-payments required under Medicare Part D  
11 for "other low income subsidy eligible individuals" pursuant to  
12 42 CFR 423.782(b) for the entire benefit year.

13 (d) For beneficiaries eligible for Medicare Part D  
14 coverage, the program established under Section 6A shall pay  
15 100% of the monthly premium charged by a qualified Medicare  
16 Part D Prescription Drug Plan for basic Medicare Part D  
17 prescription drug coverage, as defined at 42 CFR 423.100, not  
18 including any late enrollment penalties; or 100% of the monthly  
19 premium charged by a qualified Medicare Part D Prescription  
20 Drug Plan for enhanced Medicare Part D prescription drug  
21 coverage, as defined at 42 CFR 423.104, provided that the  
22 enhanced Medicare Part D prescription drug coverage is cost  
23 effective for the Department of Healthcare and Family Services.  
24 Qualified Medicare Part D Prescription Drug Plans may be  
25 limited by the Department of Healthcare and Family Services to  
26 those plans that sign a coordination agreement with the

1 Department.

2 (320 ILCS 25/6A.25 new)

3 Sec. 6A.25. Pharmaceutical Assistance; covered  
4 prescription drugs.

5 (a) Drugs indicated only for the treatment of erectile  
6 dysfunction are not covered for any Eligibility Group.

7 For purposes of the program established under Section 6A,  
8 the term "covered prescription drug" has the following  
9 meanings:

10 (1) For Eligibility Group 1, "covered prescription  
11 drug" means the following:

12 (A) Any cardiovascular agent or drug.

13 (B) Any insulin or other prescription drug used in  
14 the treatment of diabetes, including syringes and  
15 needles used to administer the insulin.

16 (C) Any prescription drug used in the treatment of  
17 arthritis.

18 (D) Any prescription drug used in the treatment of  
19 cancer.

20 (E) Any prescription drug used in the treatment of  
21 Alzheimer's disease.

22 (F) Any prescription drug used in the treatment of  
23 Parkinson's disease.

24 (G) Any prescription drug used in the treatment of  
25 glaucoma.

1           (H) Any prescription drug used in the treatment of  
2           lung disease and smoking related illnesses.

3           (I) Any prescription drug used in the treatment of  
4           osteoporosis.

5           (J) Any prescription drug used in the treatment of  
6           multiple sclerosis.

7           The Department of Healthcare and Family Services may  
8           add additional therapeutic classes by rule. The Department  
9           may adopt a preferred drug list within any of the classes  
10           of drugs described in items (A) through (J) of this  
11           paragraph (1). The specific drugs or therapeutic classes of  
12           covered prescription drugs shall be indicated by rule.

13           (2) For Eligibility Group 2, "covered prescription  
14           drug" means those drugs covered for Eligibility Group 1  
15           that are also covered by the Medicare Part D Prescription  
16           Drug Plan in which the beneficiary is enrolled.

17           (3) For Eligibility Group 3, "covered prescription  
18           drug" means those drugs covered by the Medicare Part D  
19           Prescription Drug Plan in which the beneficiary is  
20           enrolled.

21           (4) For Eligibility Group 4, "covered prescription  
22           drug" means those drugs covered by the Medical Assistance  
23           Program under Article V of the Illinois Public Aid Code.

24           (5) For Eligibility Group 5, for individuals otherwise  
25           described in Eligibility Group 2, "covered prescription  
26           drug" means all of the following:

1           (A) Those drugs covered for Eligibility Group 2  
2           that are also covered by the Medicare Part D  
3           Prescription Drug Plan in which the beneficiary is  
4           enrolled.

5           (B) Those drugs included in the formulary of the  
6           Illinois AIDS Drug Assistance Program operated by the  
7           Illinois Department of Public Health that are also  
8           covered by the Medicare Part D Prescription Drug Plan  
9           in which the beneficiary is enrolled.

10          For Eligibility Group 5, for individuals otherwise  
11          described in Eligibility Group 3, "covered prescription  
12          drug" means those drugs covered by the Medicare Part D  
13          Prescription Drug Plan in which the beneficiary is  
14          enrolled.

15          (b) A beneficiary may opt to receive a monthly payment  
16          (rebate) in lieu of the direct drug coverage described in this  
17          Section, provided that if he or she is eligible for Medicare,  
18          he or she is enrolled in a third party plan that provides  
19          creditable prescription drug coverage as defined at 42 CFR  
20          423.56(a) or is enrolled in a Medicare Part D plan that is not  
21          coordinating benefits with the Illinois Seniors and Disabled  
22          Drug Coverage Program. For a beneficiary not eligible for  
23          Medicare, in order to receive the foregoing monthly payment, he  
24          or she must be enrolled in a third party plan that provides  
25          drug coverage. The monthly payment amount shall be equivalent  
26          to the highest monthly premium of a coordinating Medicare Part

1 D plan providing Medicare Part D basic prescription drug  
2 benefits. Individuals who are enrolled in Medicare Part D and  
3 qualify for a full low income subsidy available through the  
4 Social Security Administration are not entitled to receive the  
5 foregoing monthly payment.

6 (320 ILCS 25/6A.30 new)

7 Sec. 6A.30. Pharmaceutical Assistance; payments to  
8 authorized pharmacies.

9 (a) The Department of Healthcare and Family Services shall  
10 establish by rule the methods by which it will provide for the  
11 coverage called for in the program established under Section  
12 6A. Those methods may include direct reimbursement to  
13 pharmacies or the payment of a capitated amount to Medicare  
14 Part D Prescription Drug Plans.

15 (b) For a pharmacy to be reimbursed under the program  
16 established under Section 6A, it must comply with rules adopted  
17 by the Department of Healthcare and Family Services regarding  
18 coordination of benefits with Medicare Part D Prescription Drug  
19 Plans. A pharmacy may not charge a Medicare enrolled  
20 beneficiary of the program established under Section 6A more  
21 for a covered prescription drug than the appropriate Medicare  
22 cost-sharing less any payment from or on behalf of the  
23 Department of Healthcare and Family Services.

24 (c) A pharmacy must be enrolled as a provider with the  
25 Department of Healthcare and Family Services in order to

1 receive direct reimbursement from the Department for drugs not  
2 covered under Medicare Part D or for drugs dispensed to  
3 beneficiaries who are not Medicare-eligible.

4 (320 ILCS 25/6A.35 new)

5 Sec. 6A.35. Pharmaceutical Assistance; administration by  
6 Department of Healthcare and Family Services. The Department of  
7 Healthcare and Family Services, in cooperation with the  
8 Department on Aging, as appropriate, may adopt rules regarding  
9 applications, counting of income, proof of Medicare status,  
10 mandatory generic policies, identification card fees, and  
11 pharmacy reimbursement rates and any other rules necessary for  
12 the cost-efficient operation of the program established under  
13 Section 6A.

14 (320 ILCS 25/7) (from Ch. 67 1/2, par. 407)

15 Sec. 7. Review of action or determination ~~Payment and~~  
16 ~~denial of claims.~~

17 (a) Any person aggrieved by an action or determination of  
18 the Department on Aging arising under any of its powers or  
19 duties under this Act may request in writing that the  
20 Department on Aging reconsider its action or determination,  
21 setting out the facts upon which the request is based. The  
22 Department on Aging shall consider the request and either  
23 modify or affirm its prior action or determination. The  
24 Department on Aging may adopt by rule procedures for conducting

1 its review under this Section.

2 (b) Any person aggrieved by an action or determination of  
3 the Department of Healthcare and Family Services arising under  
4 any of its powers or duties under this Act may request in  
5 writing that the Department of Healthcare and Family Services  
6 reconsider its action or determination, setting out the facts  
7 upon which the request is based. The Department of Healthcare  
8 and Family Services shall consider the request and either  
9 modify or affirm its prior action or determination. The  
10 Department of Healthcare and Family Services may adopt by rule  
11 procedures for conducting its review under this Section.

12 ~~(a) In general. The Director shall order the payment from~~  
13 ~~appropriations made for that purpose of grants to claimants~~  
14 ~~under this Act in the amounts to which the Department has~~  
15 ~~determined they are entitled, respectively. If a claim is~~  
16 ~~denied, the Director shall cause written notice of that denial~~  
17 ~~and the reasons for that denial to be sent to the claimant.~~

18 ~~(b) Payment of claims one dollar and under. Where the~~  
19 ~~amount of the grant computed under Section 4 is less than one~~  
20 ~~dollar, the Department shall pay to the claimant one dollar.~~

21 ~~(c) Right to appeal. Any claimant aggrieved by the action~~  
22 ~~of the Department under this Act, whether in the reduction of~~  
23 ~~the amount of the grant claimed or in the denial of the claim,~~  
24 ~~may request in writing that the Department reconsider its prior~~  
25 ~~determination, setting out the facts on which his request is~~  
26 ~~based. The Department shall consider the request and either~~

1 ~~modify or affirm its prior determination.~~

2 ~~(d) Administrative review. The decision of the Department~~  
3 ~~to affirm its prior determination, or the failure of the~~  
4 ~~Department to act on a request for reconsideration within 60~~  
5 ~~days, is a final administrative decision which is subject to~~  
6 ~~judicial review under the Administrative Review Law, and all~~  
7 ~~amendments and modifications thereof and the rules adopted~~  
8 ~~thereto. The term "administrative decision" is defined as in~~  
9 ~~Section 3-101 of the Code of Civil Procedure.~~

10 (Source: P.A. 82-783.)

11 (320 ILCS 25/7.5 new)

12 Sec. 7.5. Providing insurance information. Notwithstanding  
13 any other law to the contrary, entities subject to the Illinois  
14 Insurance Code, the Comprehensive Health Insurance Plan Act,  
15 the Dental Service Plan Act, the Children's Health Insurance  
16 Program Act, the Health Care Purchasing Group Act, the Health  
17 Maintenance Organization Act, the Limited Health Service  
18 Organization Act, the Voluntary Health Services Plans Act, and  
19 the Workers' Compensation Act, including, but not limited to,  
20 insurers, health maintenance organizations, pharmacy benefit  
21 managers, third party administrators, fraternal benefit  
22 societies, group funded workers' compensation pools, municipal  
23 group funded pools, self-funded or self-insured welfare or  
24 benefit plans or programs, and any other entities that provide  
25 health coverage through an employer, union, trade association,

1 or other organization or source, or any other entities, must  
2 provide information to the Department on Aging or the  
3 Department of Healthcare and Family Services, or the designee  
4 of either of those Departments, that is necessary to carry out  
5 the purposes of this Act, including, but not limited to, the  
6 name, social security number, address, date of birth, and  
7 coverage of their policyholders, their subscribers, or the  
8 beneficiaries of their plans, benefits, or services, who  
9 participate in the programs under this Act. The provision of  
10 this information to the Department on Aging or the Department  
11 of Healthcare and Family Services, or their designees, is  
12 subject to the confidentiality provisions in Section 8a of this  
13 Act.

14 (320 ILCS 25/8) (from Ch. 67 1/2, par. 408)

15 Sec. 8. Records. Every claimant of a grant under this Act  
16 and every applicant for pharmaceutical assistance under this  
17 Act shall keep such records, render such statements, file such  
18 forms and comply with such rules and regulations as the  
19 Department on Aging may from time to time prescribe. The  
20 Department on Aging may by regulations require landlords to  
21 furnish to tenants statements as to gross rent or rent  
22 constituting property taxes accrued.

23 (Source: P.A. 77-2059.)

24 (320 ILCS 25/8a) (from Ch. 67 1/2, par. 408.1)

1           Sec. 8a. Confidentiality.

2           (a) Except as otherwise provided in this Act, all  
3 information received by the Department of Revenue or its  
4 successors, the Department on Aging and the Department of  
5 Healthcare and Family Services, from claims filed under this  
6 Act, or from any investigation conducted under the provisions  
7 of this Act, shall be confidential, except for official  
8 purposes within those Departments ~~the Department~~ or pursuant to  
9 official procedures for collection of any State tax or  
10 enforcement of any civil or criminal penalty or sanction  
11 imposed by this Act or by any statute imposing a State tax, and  
12 any person who divulges any such information in any manner,  
13 except for such purposes and pursuant to order of the Director  
14 of one of those Departments or in accordance with a proper  
15 judicial order, shall be guilty of a Class A misdemeanor.

16           (b) Nothing contained in this Act shall prevent the  
17 Director of Aging from publishing or making available  
18 reasonable statistics concerning the operation of the grant  
19 programs contained in this Act wherein the contents of claims  
20 are grouped into aggregates in such a way that information  
21 contained in any individual claim shall not be disclosed.

22           (c) The Department on Aging shall furnish to the Secretary  
23 of State such information as is reasonably necessary for the  
24 administration of (i) subsection (d) of Section 11-1301.2 of  
25 the Illinois Vehicle Code (relating to fees for replacement  
26 parking decals for persons with disabilities) and (ii) reduced

1 vehicle registration fees pursuant to Section 3-806.3 of "The  
2 Illinois Vehicle Code".

3 (Source: P.A. 89-399, eff. 8-20-95.)

4 (320 ILCS 25/9) (from Ch. 67 1/2, par. 409)

5 Sec. 9. Fraud; error.

6 (a) Any person who files a fraudulent claim for a grant  
7 under this Act, or who for compensation prepares a claim for a  
8 grant and knowingly enters false information on an application  
9 ~~a claim form~~ for any claimant under this Act, or who  
10 fraudulently files multiple applications ~~claim forms~~, or who  
11 fraudulently states that a nondisabled person is disabled, or  
12 who fraudulently procures a pharmaceutical assistance benefits  
13 ~~identification card~~, or who fraudulently uses such assistance  
14 ~~card~~ to procure covered prescription drugs, or who, on behalf  
15 of an authorized pharmacy, files a fraudulent request ~~claim~~ for  
16 payment, is guilty of a Class 4 felony for the first offense  
17 and is guilty of a Class 3 felony for each subsequent offense.

18 (b) The Department on Aging and the Department of  
19 Healthcare and Family Services shall immediately suspend ~~the~~  
20 ~~use of~~ the pharmaceutical assistance benefits ~~identification~~  
21 ~~card~~ of any person suspected of fraudulent procurement or  
22 fraudulent use of such assistance ~~card~~, and shall revoke such  
23 assistance ~~card~~ upon a conviction. A person convicted of ~~such~~  
24 fraud under subsection (a) shall be permanently barred from all  
25 of the programs ~~the program of pharmaceutical assistance~~

1 established under this Act.

2 (c) The Department on Aging may recover from a claimant,  
3 ~~including an authorized pharmacy,~~ any amount paid to that  
4 claimant under this Act on account of an erroneous or  
5 fraudulent claim, together with 6% interest per year. Amounts  
6 recoverable from a claimant by the Department on Aging under  
7 this Act may, but need not, be recovered by offsetting the  
8 amount owed against any future grant payable to the person  
9 under this Act.

10 The Department of Healthcare and Family Services may  
11 recover from an authorized pharmacy any amount paid to that  
12 pharmacy under the pharmaceutical assistance program on  
13 account of an erroneous or fraudulent request for payment under  
14 that program, together with 6% interest per year. The  
15 Department of Healthcare and Family Services may recover from a  
16 person who erroneously or fraudulently obtains benefits under  
17 the pharmaceutical assistance program the value of the benefits  
18 so obtained, together with 6% interest per year.

19 (d) A prosecution for a violation of this Section may be  
20 commenced at any time within 3 years of the commission of that  
21 violation.

22 (Source: P.A. 85-299.)

23 (320 ILCS 25/10) (from Ch. 67 1/2, par. 410)

24 Sec. 10. Arrangements and captions ~~Captions~~. No inference,  
25 implication, or presumption of legislative construction shall

1 be drawn or made by reason of the location or grouping of any  
2 particular section or provision of this Act, nor shall any  
3 caption be given any legal effect.

4 (Source: P.A. 77-2059.)

5 (320 ILCS 25/11) (from Ch. 67 1/2, par. 411)

6 Sec. 11. Severability. If any clause, sentence, section,  
7 provision or part of this Act or the application thereof to any  
8 person or circumstance is ~~shall be~~ adjudged to be  
9 unconstitutional, the remainder of this Act or its application  
10 to persons or circumstances other than those to which it is  
11 held invalid, shall not be affected thereby.

12 (Source: P.A. 77-2059.)

13 (320 ILCS 25/12) (from Ch. 67 1/2, par. 412)

14 Sec. 12. ~~Regulations~~ Department on Aging; outreach  
15 responsibilities.

16 ~~(a) Regulations. The Director shall promulgate such~~  
17 ~~regulations as are necessary or desirable to effectuate the~~  
18 ~~purposes of this Act, including but not limited to the method~~  
19 ~~of computing "gross rent" in the case of a claimant living in a~~  
20 ~~nursing or sheltered care home.~~

21 ~~(b)~~ The Department on Aging shall, to the extent of  
22 appropriations made for that purpose:

23 (1) attempt to secure the cooperation of appropriate  
24 federal, State and local agencies in securing the names and

1 addresses of persons to whom this Act pertains;

2 (2) prepare a mailing list of persons eligible for  
3 grants under this Act;

4 (3) secure the cooperation of the Department of  
5 Revenue, the Department of Healthcare and Family Services,  
6 and other State agencies and of local business  
7 establishments to facilitate distribution of applications  
8 ~~application forms~~ under this Act to those eligible to file  
9 claims; and

10 (4) through use of direct mail, newspaper  
11 advertisements and radio and television advertisements,  
12 and all other appropriate means of communication, conduct  
13 an on-going public relations program to increase awareness  
14 of eligible citizens of the benefits ~~grants~~ under this Act  
15 and the procedures for applying for them.

16 (Source: P.A. 78-1249.)

17 (320 ILCS 25/13) (from Ch. 67 1/2, par. 413)

18 Sec. 13. List. The Department on Aging ~~of Revenue~~ shall  
19 maintain a list of all persons who have qualified under this  
20 Act and shall make the list available to municipalities upon  
21 request.

22 All information received by a municipality under this  
23 Section shall be confidential, except for official purposes,  
24 and any person who divulges or uses that information in any  
25 manner, except in accordance with a proper judicial order,

1 shall be guilty of a Class B misdemeanor.

2 (Source: P.A. 87-247.)

3 (320 ILCS 25/3.02 rep.)

4 (320 ILCS 25/3.03 rep.)

5 (320 ILCS 25/3.15 rep.)

6 (320 ILCS 25/3.16 rep.)

7 (320 ILCS 25/3.17 rep)

8 (320 ILCS 25/4 rep.)

9 (320 ILCS 25/4.1 rep.)

10 (320 ILCS 25/5 rep.)

11 (320 ILCS 25/5.1 rep.)

12 (320 ILCS 25/6 rep.)

13 Section 16. The Senior Citizens and Disabled Persons  
14 Property Tax Relief and Pharmaceutical Assistance Act is  
15 amended by repealing Sections 3.02, 3.03, 3.15, 3.16, 3.17, 4,  
16 4.1, 5, 5.1, and 6.

17 Section 20. The Illinois Vehicle Code is amended by  
18 changing Sections 3-806.3 and 11-1301.2 as follows:

19 (625 ILCS 5/3-806.3) (from Ch. 95 1/2, par. 3-806.3)

20 Sec. 3-806.3. Senior Citizens. Commencing with the 2006  
21 registration year and through the 2008 registration year, the  
22 registration fee paid by any vehicle owner who has been  
23 approved for benefits under the Senior Citizens and Disabled

1 Persons Property Tax Relief and Pharmaceutical Assistance Act  
2 or who is the spouse of such a person shall be \$24 instead of  
3 the fee otherwise provided in this Code for passenger cars  
4 displaying standard multi-year registration plates issued  
5 under Section 3-414.1, motor vehicles displaying special  
6 registration plates issued under Section 3-609, 3-609.1,  
7 3-616, 3-620, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628,  
8 3-638, 3-642, 3-645, 3-647, 3-649, 3-650, ~~or~~ 3-651, 3-664,  
9 3-665, or 3-666, motor vehicles registered at 8,000 pounds or  
10 less under Section 3-815(a), and recreational vehicles  
11 registered at 8,000 pounds or less under Section 3-815(b).  
12 Widows and widowers of claimants shall also be entitled to this  
13 reduced registration fee for the registration year in which the  
14 claimant was eligible.

15 ~~Commencing with the 2006 registration year and through the~~  
16 ~~2008 registration year, the registration fee paid by any~~  
17 ~~vehicle owner who has claimed and received a grant under the~~  
18 ~~Senior Citizens and Disabled Persons Property Tax Relief and~~  
19 ~~Pharmaceutical Assistance Act or who is the spouse of such a~~  
20 ~~person shall be \$24 instead of the fee otherwise provided in~~  
21 ~~this Code for passenger cars displaying standard multi-year~~  
22 ~~registration plates issued under Section 3-414.1, motor~~  
23 ~~vehicles displaying special registration plates issued under~~  
24 ~~Section 3-607, 3-616, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626,~~  
25 ~~3-628, 3-638, 3-642, 3-645, 3-647, 3-650, 3-651, or 3-806.4,~~  
26 ~~motor vehicles registered at 8,000 pounds or less under Section~~

1 ~~3-815(a), and recreational vehicles registered at 8,000 pounds~~  
2 ~~or less under Section 3-815(b). Widows and widowers of~~  
3 ~~claimants shall also be entitled to this reduced registration~~  
4 ~~fee for the registration year in which the claimant was~~  
5 ~~eligible.~~

6 Commencing with the 2009 registration year, the  
7 registration fee paid by any vehicle owner who has been  
8 approved for benefits under the Senior Citizens and Disabled  
9 Persons Property Tax Relief and Pharmaceutical Assistance Act  
10 or who is the spouse of such a person shall be \$24 instead of  
11 the fee otherwise provided in this Code for passenger cars  
12 displaying standard multi-year registration plates issued  
13 under Section 3-414.1, motor vehicles displaying special  
14 registration plates issued under Section 3-609, 3-609.1,  
15 3-616, 3-620, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628,  
16 3-638, 3-642, 3-645, 3-647, 3-649, 3-650, ~~or~~ 3-651, 3-664,  
17 3-665, or 3-666, motor vehicles registered at 8,000 pounds or  
18 less under Section 3-815(a), and recreational vehicles  
19 registered at 8,000 pounds or less under Section 3-815(b).  
20 Widows and widowers of claimants shall also be entitled to this  
21 reduced registration fee for the registration year in which the  
22 claimant was eligible.

23 ~~Commencing with the 2009 registration year, the~~  
24 ~~registration fee paid by any vehicle owner who has claimed and~~  
25 ~~received a grant under the Senior Citizens and Disabled Persons~~  
26 ~~Property Tax Relief and Pharmaceutical Assistance Act or who is~~

1 ~~the spouse of such a person shall be \$24 instead of the fee~~  
2 ~~otherwise provided in this Code for passenger cars displaying~~  
3 ~~standard multi-year registration plates issued under Section~~  
4 ~~3-414.1, motor vehicles displaying special registration plates~~  
5 ~~issued under Section 3-607, 3-609, 3-616, 3-621, 3-622, 3-623,~~  
6 ~~3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650,~~  
7 ~~or 3-651, or 3-806.4, motor vehicles registered at 8,000 pounds~~  
8 ~~or less under Section 3-815(a), and recreational vehicles~~  
9 ~~registered at 8,000 pounds or less under Section 3-815(b).~~  
10 ~~Widows and widowers of claimants shall also be entitled to this~~  
11 ~~reduced registration fee for the registration year in which the~~  
12 ~~claimant was eligible.~~

13 No more than one reduced registration fee under this  
14 Section shall be allowed during any 12 month period based on  
15 the primary eligibility of any individual, whether such reduced  
16 registration fee is allowed to the individual or to the spouse,  
17 widow or widower of such individual. This Section does not  
18 apply to the fee paid in addition to the registration fee for  
19 motor vehicles displaying vanity or special license plates.

20 (Source: P.A. 95-157, eff. 1-1-08; 95-331, eff. 8-21-07;  
21 revised 12-10-07.)

22 (625 ILCS 5/11-1301.2) (from Ch. 95 1/2, par. 11-1301.2)

23 Sec. 11-1301.2. Special decals for a person with  
24 disabilities parking.

25 (a) The Secretary of State shall provide for, by

1 administrative rules, the design, size, color, and placement of  
2 a person with disabilities motorist decal or device and shall  
3 provide for, by administrative rules, the content and form of  
4 an application for a person with disabilities motorist decal or  
5 device, which shall be used by local authorities in the  
6 issuance thereof to a person with temporary disabilities,  
7 provided that the decal or device is valid for no more than 90  
8 days, subject to renewal for like periods based upon continued  
9 disability, and further provided that the decal or device  
10 clearly sets forth the date that the decal or device expires.  
11 The application shall include the requirement of an Illinois  
12 Identification Card number or a State of Illinois driver's  
13 license number. This decal or device shall be the property of  
14 such person with disabilities and may be used by that person to  
15 designate and identify a vehicle not owned or displaying a  
16 registration plate as provided in Sections 3-609, 3-609.01, and  
17 3-616 of this Act to designate when the vehicle is being used  
18 to transport said person or persons with disabilities, and thus  
19 is entitled to enjoy all the privileges that would be afforded  
20 a person with disabilities licensed vehicle. Person with  
21 disabilities decals or devices issued and displayed pursuant to  
22 this Section shall be recognized and honored by all local  
23 authorities regardless of which local authority issued such  
24 decal or device.

25 The decal or device shall be issued only upon a showing by  
26 adequate documentation that the person for whose benefit the

1 decal or device is to be used has a temporary disability as  
2 defined in Section 1-159.1 of this Code.

3 (b) The local governing authorities shall be responsible  
4 for the provision of such decal or device, its issuance and  
5 designated placement within the vehicle. The cost of such decal  
6 or device shall be at the discretion of such local governing  
7 authority.

8 (c) The Secretary of State may, pursuant to Section  
9 3-616(c), issue a person with disabilities parking decal or  
10 device to a person with disabilities as defined by Section  
11 1-159.1. Any person with disabilities parking decal or device  
12 issued by the Secretary of State shall be registered to that  
13 person with disabilities in the form to be prescribed by the  
14 Secretary of State. The person with disabilities parking decal  
15 or device shall not display that person's address. One  
16 additional decal or device may be issued to an applicant upon  
17 his or her written request and with the approval of the  
18 Secretary of State. The written request must include a  
19 justification of the need for the additional decal or device.

20 (d) Replacement decals or devices may be issued for lost,  
21 stolen, or destroyed decals upon application and payment of a  
22 \$10 fee. The replacement fee may be waived for individuals that  
23 have been approved for benefits ~~claimed and received a grant~~  
24 under the Senior Citizens and Disabled Persons Property Tax  
25 Relief and Pharmaceutical Assistance Act.

26 (Source: P.A. 95-167, eff. 1-1-08.)

1           Section 99. Effective date. This Act takes effect January  
2    1, 2009.".