



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1999

Introduced 2/7/2008, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

See Index

Creates the Department of Financial and Professional Regulation Act and amends various Acts. Implements and supersedes Executive Order 6 (2004). Abolishes the Department of Financial Institutions, the Department of Insurance, the Department of Professional Regulation, and the Office of Banks and Real Estate and transfers all of the functions of those agencies to the Department of Financial and Professional Regulation, which is created. Provides that the Secretary of Financial and Professional Regulation is the head of the new agency, and provides for 4 Directors, each of whom shall report to the Secretary and shall oversee the functions transferred from one of the abolished agencies to the new agency. Transfers the staffs, records, and unexpended funds of the abolished agencies to the Department of Financial and Professional Regulation. Makes conforming changes in other Acts. Authorizes transfers of moneys to the Professions Indirect Cost Fund from certain special funds that receive moneys from fees and fines associated with the licensing of regulated professions, trades, occupations, and industries by the Department of Financial and Professional Regulation. Effective immediately.

LRB095 14469 DRJ 40375 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

1 AN ACT concerning the implementation of Executive Order 6
2 (2004).

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

5 Section 1. Short title. This Act may be cited as the
6 Department of Financial and Professional Regulation Act.

7 Section 5. Effect. This Act, including all of the
8 amendatory provisions of this Act, implements and supersedes
9 Executive Order 6 (2004).

10 Section 10. Department of Financial and Professional
11 Regulation.

12 (a) The Department of Financial and Professional
13 Regulation is created.

14 (b) The Department of Financial and Professional
15 Regulation shall have as its head the Secretary of Financial
16 and Professional Regulation, who shall be responsible for all
17 of the Department's functions. The Governor shall appoint the
18 Secretary, by and with the advice and consent of the Senate.
19 Vacancies in the office of Secretary shall be filled as
20 provided in Section 5-605 of the Civil Administrative Code of
21 Illinois. The Secretary is entitled to an annual salary as set
22 by the Governor from time to time or as set by the Compensation

1 Review Board, whichever is greater.

2 (c) The Department of Financial and Professional
3 Regulation shall have 4 Directors, each of whom shall report to
4 the Secretary and shall oversee the functions transferred from
5 one of the agencies whose functions are transferred to the
6 Department under this Act. The Governor shall appoint the 4
7 Directors, by and with the advice and consent of the Senate.
8 The appointment of the 4 Directors is subject to Section 5-710
9 of the Civil Administrative Code of Illinois.

10 (d) The Department of Financial and Professional
11 Regulation shall also have such other assistants and deputies
12 as may be appropriate for the efficient operation of the
13 Department. None of those other assistants or deputies shall be
14 a State officer subject to Senate confirmation.

15 (e) The Secretary of Financial and Professional Regulation
16 shall create divisions and administrative units within the
17 Department of Financial and Professional Regulation and shall
18 assign functions, powers, duties, and personnel as may now or
19 in the future be required by State or federal law. The
20 Secretary may create other divisions and administrative units
21 and may assign other functions, powers, duties, and personnel
22 as may be necessary or desirable to carry out the functions and
23 responsibilities vested by law in the Department.

24 (f) Whenever the Secretary of Financial and Professional
25 Regulation is authorized to take any action or required by law
26 to consider or make findings, the Secretary may delegate or

1 appoint, in writing, a Director of Financial and Professional
2 Regulation or other officer or employee of the Department of
3 Financial and Professional Regulation to take that action or
4 make that finding. A Director of Financial and Professional
5 Regulation, in turn, may delegate or appoint, in writing, a
6 Department officer or employee assigned to functions overseen
7 by that Director to take that action or make that finding.

8 (g) The Department of Financial and Professional
9 Regulation is the successor agency to the Department of
10 Financial Institutions, the Department of Insurance, the
11 Department of Professional Regulation, and the Office of Banks
12 and Real Estate for purposes of the Successor Agency Act and
13 for purposes of Section 9b of the State Finance Act.

14 Section 15. Agencies abolished. The following agencies are
15 abolished:

- 16 (1) The Department of Financial Institutions.
- 17 (2) The Department of Insurance.
- 18 (3) The Department of Professional Regulation.
- 19 (4) The Office of Banks and Real Estate.

20 Section 20. Functions transferred.

21 (a) All of the functions of the Department of Financial
22 Institutions, the Department of Insurance, the Department of
23 Professional Regulation, and the Office of Banks and Real
24 Estate, and all of the powers and duties, including funding

1 mechanisms, associated with or related to those functions and
2 vested by law in one of those agencies or in any office,
3 division, council, committee, bureau, board, commission,
4 officer, employee, or other individual or entity associated
5 with one of those agencies, are transferred to the Department
6 of Financial and Professional Regulation.

7 (b) The functions, powers, and duties transferred to the
8 Department of Financial and Professional Regulation under this
9 Act are not affected by this Act, except that they shall be
10 carried out by the Department of Financial and Professional
11 Regulation on and after the effective date of this Act.

12 Section 25. Representation on boards or other entities.
13 When any provision of an Executive Order or Act provides for
14 the membership of the Director of Financial Institutions, the
15 Director of Insurance, the Director of Professional
16 Regulation, or the Commissioner of Banks and Real Estate on any
17 council, commission, board, or other entity, the Secretary of
18 Financial and Professional Regulation, or, at the Governor's
19 discretion, the appropriate Director of Financial and
20 Professional Regulation, or the designee of that person, shall
21 serve in that place. If more than one such person is required
22 by law to serve on any council, commission, board, or other
23 entity, then an equivalent number of representatives of the
24 Department of Financial and Professional Regulation shall so
25 serve.

1 Section 30. Employees transferred. The employees of the
2 Department of Financial Institutions, the Department of
3 Insurance, the Department of Professional Regulation, and the
4 Office of Banks and Real Estate engaged in performing the
5 functions of those agencies transferred to the Department of
6 Financial and Professional Regulation under this Act shall be
7 transferred to the Department of Financial and Professional
8 Regulation. The status and rights of those employees, and the
9 rights of the State of Illinois and its agencies, under the
10 Personnel Code and applicable collective bargaining agreements
11 or under any pension, retirement, or annuity plan are not
12 affected by that transfer or by any other provision of this
13 Act.

14 Section 35. Books and records transferred. All books,
15 records, papers, documents, property (real and personal),
16 contracts, and pending business pertaining to the powers and
17 duties transferred under this Act from the Department of
18 Financial Institutions, the Department of Insurance, the
19 Department of Professional Regulation, and the Office of Banks
20 and Real Estate to the Department of Financial and Professional
21 Regulation, including but not limited to material in electronic
22 or magnetic format and necessary computer hardware and
23 software, shall be delivered to the Department of Financial and
24 Professional Regulation.

1 Section 40. Unexpended moneys transferred. All unexpended
2 appropriations and balances and other moneys available for use
3 in connection with any of the functions transferred to the
4 Department of Financial and Professional Regulation under this
5 Act shall be transferred for use by that Department for the
6 exercise of those functions pursuant to the direction of the
7 Governor. Unexpended balances so transferred shall be expended
8 only for the purpose for which the appropriations were
9 originally made.

10 Section 45. Exercise of transferred powers; savings
11 provisions.

12 (a) The powers and duties related to the functions
13 transferred to the Department of Financial and Professional
14 Regulation under this Act are vested in and shall be exercised
15 by that Department. Each act done by the Department of
16 Financial and Professional Regulation or any of its officers,
17 employees, or agents in the exercise of those powers and duties
18 shall have the same legal effect as if done by the Department
19 of Financial Institutions, the Department of Insurance, the
20 Department of Professional Regulation, or the Office of Banks
21 and Real Estate, or the divisions, officers, employees, or
22 agents of those agencies.

23 (b) The transfer of functions to the Department of
24 Financial and Professional Regulation under this Act does not

1 invalidate any action taken by the Department of Financial
2 Institutions, the Department of Insurance, the Department of
3 Professional Regulation, or the Office of Banks and Real Estate
4 before the effective date of this Act.

5 (c) On and after the effective date of this Act, references
6 in any Act to the Department of Financial Institutions, the
7 Department of Insurance, the Department of Professional
8 Regulation, or the Office of Banks and Real Estate shall, in
9 appropriate contexts, be deemed to be references to the
10 Department of Financial and Professional Regulation.

11 (d) The transfer of functions to the Department of
12 Financial and Professional Regulation under this Act does not
13 affect the powers or duties of any registrant, licensee, or
14 regulated entity arising out of those transferred functions.

15 Section 50. Officers, employees, and agents; penalties.
16 Every officer, employee, and agent of the Department of
17 Financial and Professional Regulation is, for any offense,
18 subject to the same penalty or penalties, civil or criminal, as
19 are prescribed by the law in effect on the effective date of
20 Executive Order 6 (2004) for the same offense by any officer,
21 employee, or agent whose powers or duties are transferred under
22 this Act.

23 Section 55. Reports, notices, or papers. Whenever reports
24 or notices are required to be made or given or papers or

1 documents furnished or served by any person to or upon the
2 Department of Financial Institutions, the Department of
3 Insurance, the Department of Professional Regulation, or the
4 Office of Banks and Real Estate in connection with any function
5 transferred under this Act, the same shall be made, given,
6 furnished, or served in the same manner to or upon the
7 Department of Financial and Professional Regulation.

8 Section 60. Acts and actions unaffected by transfer. This
9 Act does not affect any act done, ratified, or canceled, or any
10 right occurring or established, before the effective date of
11 Executive Order 6 (2004) in connection with any function
12 transferred under this Act. This Act does not affect any action
13 or proceeding had or commenced before the effective date of
14 Executive Order 6 (2004) in an administrative, civil, or
15 criminal cause regarding the Department of Financial
16 Institutions, the Department of Insurance, the Department of
17 Professional Regulation, or the Office of Banks and Real
18 Estate, but any such action or proceeding may be prosecuted,
19 defended, or continued by the Department of Financial and
20 Professional Regulation.

21 Section 65. Rules.

22 (a) Any rule of the Department of Financial Institutions,
23 the Department of Insurance, the Department of Professional
24 Regulation, or the Office of Banks and Real Estate that (i)

1 relates to the functions transferred under this Act, (ii) was
2 in full force on the effective date of Executive Order 6
3 (2004), and (iii) was duly adopted by one of those agencies
4 shall become the rule of the Department of Financial and
5 Professional Regulation. This Act does not affect the legality
6 of any such rules contained in the Illinois Administrative
7 Code.

8 (b) Any proposed rule filed with the Secretary of State by
9 the Department of Financial Institutions, the Department of
10 Insurance, the Department of Professional Regulation, or the
11 Office of Banks and Real Estate that was pending in the
12 rulemaking process on the effective date of Executive Order 6
13 (2004) and that pertains to the functions transferred under
14 this Act shall be deemed to have been filed by the Department
15 of Financial and Professional Regulation.

16 (c) As soon as practicable after the effective date of this
17 Act, the Department of Financial and Professional Regulation
18 shall revise and clarify the rules transferred to it under this
19 Section to reflect the reorganization of powers and duties
20 effected by this Act, using the procedures for recodification
21 of rules available under the Illinois Administrative Procedure
22 Act, except that existing title, part, and section numbering
23 for the affected rules may be retained.

24 (d) All rulemaking authority of the Secretary of Financial
25 and Professional Regulation shall be exercised jointly by the
26 Secretary and the Director of Financial and Professional

1 Regulation assigned to oversee functions that are the subject
2 of the rule.

3 (e) The Department of Financial and Professional
4 Regulation may propose and adopt other rules, as necessary, to
5 consolidate and clarify the rules formerly administered by the
6 Office of Banks and Real Estate, the Department of Financial
7 Institutions, the Department of Insurance, or the Department of
8 Professional Regulation.

9 Section 9005. The Intergovernmental Cooperation Act is
10 amended by changing Section 6 as follows:

11 (5 ILCS 220/6) (from Ch. 127, par. 746)

12 Sec. 6. Joint self-insurance. An intergovernmental
13 contract may, among other undertakings, authorize public
14 agencies to jointly self-insure and authorize each public
15 agency member of the contract to utilize its funds to pay to a
16 joint insurance pool its costs and reserves to protect, wholly
17 or partially, itself or any public agency member of the
18 contract against liability or loss in the designated insurable
19 area. A joint insurance pool shall have an annual audit
20 performed by an independent certified public accountant and
21 shall file an annual audited financial report with the
22 Secretary of Financial and Professional Regulation ~~Director of~~
23 ~~Insurance~~ no later than 150 days after the end of the pool's
24 immediately preceding fiscal year. The Secretary of Financial

1 and Professional Regulation ~~Director of Insurance~~ shall issue
2 rules necessary to implement this audit and report requirement.
3 The rule shall establish the due date for filing the initial
4 annual audited financial report. Within 30 days after January
5 1, 1991, and within 30 days after each January 1 thereafter,
6 public agencies that are jointly self-insured to protect
7 against liability under the Workers' Compensation Act and the
8 Workers' Occupational Diseases Act shall file with the Illinois
9 Workers' Compensation Commission a report indicating an
10 election to self-insure.

11 For purposes of this Section, "public agency member" means
12 any public agency defined or created under this Act, any local
13 public entity as defined in Section 1-206 of the Local
14 Governmental and Governmental Employees Tort Immunity Act, and
15 any public agency, authority, instrumentality, council, board,
16 service region, district, unit, bureau, or, commission, or any
17 municipal corporation, college, or university, whether
18 corporate or otherwise, and any other local governmental body
19 or similar entity that is presently existing or created after
20 the effective date of this amendatory Act of the 92nd General
21 Assembly, whether or not specified in this Section. Only public
22 agency members with tax receipts, tax revenues, taxing
23 authority, or other resources sufficient to pay costs and to
24 service debt related to intergovernmental activities described
25 in this Section, or public agency members created by or as part
26 of a public agency with these powers, may enter into contracts

1 or otherwise associate among themselves as permitted in this
2 Section.

3 No joint insurance pool or other intergovernmental
4 cooperative offering health insurance shall interfere with the
5 statutory obligation of any public agency member to bargain
6 over or to reach agreement with a labor organization over a
7 mandatory subject of collective bargaining as those terms are
8 used in the Illinois Public Labor Relations Act. No
9 intergovernmental contract of insurance offering health
10 insurance shall limit the rights or obligations of public
11 agency members to engage in collective bargaining, and it shall
12 be unlawful for a joint insurance pool or other
13 intergovernmental cooperative offering health insurance to
14 discriminate against public agency members or otherwise
15 retaliate against such members for limiting their
16 participation in a joint insurance pool as a result of a
17 collective bargaining agreement.

18 It shall not be considered a violation of this Section for
19 an intergovernmental contract of insurance relating to health
20 insurance coverage, life insurance coverage, or both to permit
21 the pool or cooperative, if a member withdraws employees or
22 officers into a union-sponsored program, to re-price the costs
23 of benefits provided to the continuing employees or officers
24 based upon the same underwriting criteria used by that pool or
25 cooperative in the normal course of its business, but no member
26 shall be expelled from a pool or cooperative if the continuing

1 employees or officers meet the general criteria required of
2 other members.

3 (Source: P.A. 93-721, eff. 1-1-05; 94-685, eff. 11-2-05.)

4 Section 9010. The State Officials and Employees Ethics Act
5 is amended by changing Section 5-50 as follows:

6 (5 ILCS 430/5-50)

7 Sec. 5-50. Ex parte communications; special government
8 agents.

9 (a) This Section applies to ex parte communications made to
10 any agency listed in subsection (e).

11 (b) "Ex parte communication" means any written or oral
12 communication by any person that imparts or requests material
13 information or makes a material argument regarding potential
14 action concerning regulatory, quasi-adjudicatory, investment,
15 or licensing matters pending before or under consideration by
16 the agency. "Ex parte communication" does not include the
17 following: (i) statements by a person publicly made in a public
18 forum; (ii) statements regarding matters of procedure and
19 practice, such as format, the number of copies required, the
20 manner of filing, and the status of a matter; and (iii)
21 statements made by a State employee of the agency to the agency
22 head or other employees of that agency.

23 (b-5) An ex parte communication received by an agency,
24 agency head, or other agency employee from an interested party

1 or his or her official representative or attorney shall
2 promptly be memorialized and made a part of the record.

3 (c) An ex parte communication received by any agency,
4 agency head, or other agency employee, other than an ex parte
5 communication described in subsection (b-5), shall immediately
6 be reported to that agency's ethics officer by the recipient of
7 the communication and by any other employee of that agency who
8 responds to the communication. The ethics officer shall require
9 that the ex parte communication be promptly made a part of the
10 record. The ethics officer shall promptly file the ex parte
11 communication with the Executive Ethics Commission, including
12 all written communications, all written responses to the
13 communications, and a memorandum prepared by the ethics officer
14 stating the nature and substance of all oral communications,
15 the identity and job title of the person to whom each
16 communication was made, all responses made, the identity and
17 job title of the person making each response, the identity of
18 each person from whom the written or oral ex parte
19 communication was received, the individual or entity
20 represented by that person, any action the person requested or
21 recommended, and any other pertinent information. The
22 disclosure shall also contain the date of any ex parte
23 communication.

24 (d) "Interested party" means a person or entity whose
25 rights, privileges, or interests are the subject of or are
26 directly affected by a regulatory, quasi-adjudicatory,

1 investment, or licensing matter.

2 (e) This Section applies to the following agencies:

3 Executive Ethics Commission

4 Illinois Commerce Commission

5 Educational Labor Relations Board

6 State Board of Elections

7 Illinois Gaming Board

8 Health Facilities Planning Board

9 Illinois Workers' Compensation Commission

10 Illinois Labor Relations Board

11 Illinois Liquor Control Commission

12 Pollution Control Board

13 Property Tax Appeal Board

14 Illinois Racing Board

15 Illinois Purchased Care Review Board

16 Department of State Police Merit Board

17 Motor Vehicle Review Board

18 Prisoner Review Board

19 Civil Service Commission

20 Personnel Review Board for the Treasurer

21 Merit Commission for the Secretary of State

22 Merit Commission for the Office of the Comptroller

23 Court of Claims

24 Board of Review of the Department of Employment Security

25 Department of Financial and Professional Regulation, in its

26 capacity as the successor of the Department of Insurance

1 Department of Financial and Professional Regulation, in its
2 capacity as the successor of the Department
3 of Professional Regulation, and licensing boards
4 under the Department in that capacity

5 Department of Public Health and licensing boards
6 under the Department

7 Department of Financial and Professional Regulation, in its
8 capacity as the successor of the Office of Banks and
9 Real Estate, and licensing boards under
10 the Department in that capacity ~~Office~~

11 State Employees Retirement System Board of Trustees

12 Judges Retirement System Board of Trustees

13 General Assembly Retirement System Board of Trustees

14 Illinois Board of Investment

15 State Universities Retirement System Board of Trustees

16 Teachers Retirement System Officers Board of Trustees

17 (f) Any person who fails to (i) report an ex parte
18 communication to an ethics officer, (ii) make information part
19 of the record, or (iii) make a filing with the Executive Ethics
20 Commission as required by this Section or as required by
21 Section 5-165 of the Illinois Administrative Procedure Act
22 violates this Act.

23 (Source: P.A. 95-331, eff. 8-21-07.)

24 Section 9015. The State Treasurer Act is amended by
25 changing Sections 0.02, 0.05, and 0.06 as follows:

1 (15 ILCS 505/0.02)

2 Sec. 0.02. Transfer of powers.

3 (a) The rights, powers, duties, and functions vested in the
4 Department of Financial Institutions to administer the Uniform
5 Disposition of Unclaimed Property Act are transferred to the
6 State Treasurer on July 1, 1999; provided, however, that the
7 rights, powers, duties, and functions involving the
8 examination of the records of any person that the State
9 Treasurer has reason to believe has failed to report properly
10 under this Act shall be transferred to the Office of Banks and
11 Real Estate if the person is regulated by the Office of Banks
12 and Real Estate under the Illinois Banking Act, the Corporate
13 Fiduciary Act, the Foreign Banking Office Act, the Illinois
14 Savings and Loan Act of 1985, or the Savings Bank Act and shall
15 be retained by the Department of Financial Institutions if the
16 person is doing business in the State under the supervision of
17 the Department of Financial Institutions, the National Credit
18 Union Administration, the Office of Thrift Supervision, or the
19 Comptroller of the Currency.

20 (b) The rights, powers, duties, and functions transferred
21 to the Office of Banks and Real Estate or retained by the
22 Department of Financial Institutions under this Section are
23 subject to the Department of Financial and Professional
24 Regulation Act.

25 (Source: P.A. 91-16, eff. 6-4-99.)

1 (15 ILCS 505/0.05)

2 Sec. 0.05. Rules and standards.

3 (a) The rules and standards of the Department of Financial
4 Institutions that are in effect on June 30, 1999 and pertain to
5 the administration of the Uniform Disposition of Unclaimed
6 Property Act shall become the rules and standards of the State
7 Treasurer on July 1, 1999 and shall continue in effect until
8 amended or repealed by the State Treasurer.

9 (b) Any rules pertaining to the administration of the
10 Uniform Disposition of Unclaimed Property Act that have been
11 proposed by the Department of Financial Institutions but have
12 not taken effect or been finally adopted by June 30, 1999 shall
13 become proposed rules of the State Treasurer on July 1, 1999,
14 and any rulemaking procedures that have already been completed
15 by the Department of Financial Institutions need not be
16 repeated.

17 (c) As soon as practical after July 1, 1999, the State
18 Treasurer shall revise and clarify the rules transferred to it
19 under this amendatory Act of 1999 to reflect the reorganization
20 of rights, powers, duties, and functions effected by this
21 amendatory Act of 1999 using the procedures for recodification
22 of rules available under the Illinois Administrative Procedure
23 Act, except that existing title, part, and section numbering
24 for the affected rules may be retained.

25 (d) As soon as practical after July 1, 1999, the Office of

1 Banks and Real Estate and the Office of the State Treasurer
2 shall jointly promulgate rules to reflect the transfer of
3 examination functions to the Office of Banks and Real Estate
4 under this amendatory Act of 1999 using the procedures
5 available under the Illinois Administrative Procedure Act.

6 (e) As soon as practical after July 1, 1999, the Department
7 of Financial Institutions and the Office of the State Treasurer
8 shall jointly promulgate rules to reflect the retention of
9 examination functions by the Department of Financial
10 Institutions under this amendatory Act of 1999 using the
11 procedures available under the Illinois Administrative
12 Procedure Act.

13 (f) The rules pertaining to the rights, powers, duties, and
14 functions transferred to the Office of Banks and Real Estate or
15 retained by the Department of Financial Institutions under this
16 Section are subject to the Department of Financial and
17 Professional Regulation Act.

18 (Source: P.A. 91-16, eff. 6-4-99.)

19 (15 ILCS 505/0.06)

20 Sec. 0.06. Savings provisions.

21 (a) The rights, powers, duties, and functions transferred
22 to the State Treasurer or the Commissioner of Banks and Real
23 Estate by this amendatory Act of 1999 shall be vested in and
24 exercised by the State Treasurer or the Commissioner of Banks
25 and Real Estate subject to the provisions of this amendatory

1 Act of 1999. An act done by the State Treasurer or the
2 Commissioner of Banks and Real Estate or an officer, employee,
3 or agent of the State Treasurer or the Commissioner of Banks
4 and Real Estate in the exercise of the transferred rights,
5 powers, duties, or functions shall have the same legal effect
6 as if done by the Department of Financial Institutions or an
7 officer, employee, or agent of the Department of Financial
8 Institutions prior to the effective date of this amendatory Act
9 of 1999.

10 (a-5) The vesting of rights, powers, duties, and functions
11 in the Office of Banks and Real Estate under this Section, and
12 the exercise of those rights, powers, duties, and functions by
13 that Office, are subject to the Department of Financial and
14 Professional Regulation Act.

15 (b) The transfer of rights, powers, duties, and functions
16 to the State Treasurer or the Commissioner of Banks and Real
17 Estate under this amendatory Act of 1999 does not invalidate
18 any previous action taken by or in respect to the Department of
19 Financial Institutions or its officers, employees, or agents.
20 References to the Department of Financial Institutions or its
21 officers, employees or agents in any document, contract,
22 agreement, or law shall, in appropriate contexts, be deemed to
23 refer to the State Treasurer or the Commissioner of Banks and
24 Real Estate or the officers, employees, or agents of the State
25 Treasurer or the Commissioner of Banks and Real Estate.

26 (c) The transfer of rights, powers, duties, and functions

1 from the Department of Financial Institutions to the State
2 Treasurer or the Commissioner of Banks and Real Estate under
3 this amendatory Act of 1999 does not affect the rights,
4 obligations, or duties of any other person or entity, including
5 any civil or criminal penalties applicable thereto, arising out
6 of those transferred rights, powers, duties, and functions.

7 (d) With respect to matters that pertain to a right, power,
8 duty, or function transferred to the State Treasurer under this
9 amendatory Act of 1999:

10 (1) Beginning July 1, 1999, any report or notice that
11 was previously required to be made or given by any person
12 to the Department of Financial Institutions or any of its
13 officers, employees, or agents under the Uniform
14 Disposition of Unclaimed Property Act or rules promulgated
15 pursuant to that Act shall be made or given in the same
16 manner to the State Treasurer or his or her appropriate
17 officer, employee, or agent.

18 (2) Beginning July 1, 1999, any document that was
19 previously required to be furnished or served by any person
20 to or upon the Department of Financial Institutions or any
21 of its officers, employees, or agents under the Uniform
22 Disposition of Unclaimed Property Act or rules promulgated
23 pursuant to that Act shall be furnished or served in the
24 same manner to or upon the State Treasurer or his or her
25 appropriate officer, employee, or agent.

26 (e) This amendatory Act of 1999 does not affect any act

1 done, ratified, or canceled, any right occurring or
2 established, or any action or proceeding had or commenced in an
3 administrative, civil, or criminal cause before July 1, 1999.
4 Any such action or proceeding that pertains to the Uniform
5 Disposition of Unclaimed Property Act or rules promulgated
6 pursuant to that Act and that is pending on that date may be
7 prosecuted, defended, or continued by the State Treasurer.

8 (Source: P.A. 91-16, eff. 6-4-99.)

9 Section 9020. The Deposit of State Moneys Act is amended by
10 changing Sections 3, 6, and 15 as follows:

11 (15 ILCS 520/3) (from Ch. 130, par. 22)

12 Sec. 3. The State Treasurer shall, at such times as he may
13 in his discretion determine, cause a notice to be sent to each
14 savings and loan association, Federally insured credit union of
15 \$50,000,000 or more assets, or regularly established National
16 and State bank doing business in this State, indicating that on
17 a date named therein not less than one month after the date of
18 such notice, he will receive sealed proposals for the deposit
19 of the public moneys in his custody or control. The State
20 Treasurer may also at any time receive a new or supplemental
21 proposal from any savings and loan association, credit union or
22 national or State bank.

23 A "regularly established" national or State bank is a bank
24 which is doing business in the State under the supervision of

1 the Comptroller of the Currency or the Department of Financial
2 and Professional Regulation ~~Office of Banks and Real Estate~~.

3 (Source: P.A. 89-508, eff. 7-3-96.)

4 (15 ILCS 520/6) (from Ch. 130, par. 25)

5 Sec. 6. Within 5 days after the last day named for the
6 receipt of proposals, such proposals shall be publicly opened
7 by the State Treasurer in the presence of the Secretary of
8 Financial and Professional Regulation ~~Commissioner of Banks~~
9 ~~and Real Estate~~ and the Director of Central Management
10 Services.

11 The State Treasurer may reject any and all proposals, and
12 may ask for new or additional proposals.

13 (Source: P.A. 89-508, eff. 7-3-96.)

14 (15 ILCS 520/15) (from Ch. 130, par. 34)

15 Sec. 15. (a) A bank or savings and loan association
16 approved as a depository shall cease to be an approved bank or
17 savings and loan association, and shall be disqualified by the
18 State Treasurer:

19 (1) Upon its failure to post a suitable bond or deposit
20 securities with the State Treasurer;

21 (2) Upon its failure or refusal to pay over public
22 moneys or any part thereof;

23 (3) Upon its becoming insolvent or bankrupt, or being
24 placed in the hands of a receiver;

1 (4) Upon a showing of unsatisfactory financial
2 condition through a report made to, or an examination made
3 by, the Comptroller of the Currency, the Secretary of
4 Financial and Professional Regulation ~~Commissioner of~~
5 ~~Banks and Real Estate~~, or the Federal Home Loan Bank or its
6 successors.

7 (b) No approved depository shall be disqualified by the
8 State Treasurer solely by reason of its acquisition by another
9 institution.

10 (Source: P.A. 89-508, eff. 7-3-96.)

11 Section 9025. The Civil Administrative Code of Illinois is
12 amended by changing Sections 1-5, 5-15, 5-20, and 5-710 and
13 adding Sections 5-131, 5-216, and 5-346 as follows:

14 (20 ILCS 5/1-5)

15 Sec. 1-5. Articles. The Civil Administrative Code of
16 Illinois consists of the following Articles:

17 Article 1. General Provisions (20 ILCS 5/1-1 and
18 following).

19 Article 5. Departments of State Government Law (20 ILCS
20 5/5-1 and following).

21 Article 50. State Budget Law (15 ILCS 20/).

22 Article 110. Department on Aging Law (20 ILCS 110/).

23 Article 205. Department of Agriculture Law (20 ILCS 205/).

24 Article 250. State Fair Grounds Title Law (5 ILCS 620/).

1 Article 310. Department of Human Services (Alcoholism and
2 Substance Abuse) Law (20 ILCS 310/).

3 Article 405. Department of Central Management Services Law
4 (20 ILCS 405/).

5 Article 510. Department of Children and Family Services
6 Powers Law (20 ILCS 510/).

7 Article 605. Department of Commerce and Economic
8 Opportunity Law (20 ILCS 605/).

9 Article 805. Department of Natural Resources
10 (Conservation) Law (20 ILCS 805/).

11 Article 1005. Department of Employment Security Law (20
12 ILCS 1005/).

13 Article 1405. Department of Financial and Professional
14 Regulation (Insurance) Law (20 ILCS 1405/).

15 Article 1505. Department of Labor Law (20 ILCS 1505/).

16 Article 1710. Department of Human Services (Mental Health
17 and Developmental Disabilities) Law (20 ILCS 1710/).

18 Article 1905. Department of Natural Resources (Mines and
19 Minerals) Law (20 ILCS 1905/).

20 Article 2005. Department of Nuclear Safety Law (20 ILCS
21 2005/).

22 Article 2105. Department of Financial and Professional
23 Regulation (Professional Regulation) Law (20 ILCS 2105/).

24 Article 2205. Department of Healthcare and Family Services
25 Law (20 ILCS 2205/).

26 Article 2310. Department of Public Health Powers and Duties

1 Law (20 ILCS 2310/).

2 Article 2505. Department of Revenue Law (20 ILCS 2505/).

3 Article 2510. Certified Audit Program Law (20 ILCS 2510/).

4 Article 2605. Department of State Police Law (20 ILCS
5 2605/).

6 Article 2705. Department of Transportation Law (20 ILCS
7 2705/).

8 Article 3000. University of Illinois Exercise of Functions
9 and Duties Law (110 ILCS 355/).

10 (Source: P.A. 95-331, eff. 8-21-07.)

11 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

12 Sec. 5-15. Departments of State government. The
13 Departments of State government are created as follows:

14 The Department on Aging.

15 The Department of Agriculture.

16 The Department of Central Management Services.

17 The Department of Children and Family Services.

18 The Department of Commerce and Economic Opportunity.

19 The Department of Corrections.

20 The Department of Employment Security.

21 The Emergency Management Agency.

22 The Department of Financial and Professional Regulation.

23 ~~The Department of Financial Institutions.~~

24 The Department of Healthcare and Family Services.

25 The Department of Human Rights.

1 The Department of Human Services.

2 The Illinois Power Agency.

3 ~~The Department of Insurance.~~

4 The Department of Juvenile Justice.

5 The Department of Labor.

6 The Department of the Lottery.

7 The Department of Natural Resources.

8 ~~The Department of Professional Regulation.~~

9 The Department of Public Health.

10 The Department of Revenue.

11 The Department of State Police.

12 The Department of Transportation.

13 The Department of Veterans' Affairs.

14 (Source: P.A. 94-696, eff. 6-1-06; 95-331, eff. 8-21-07;
15 95-481, eff. 8-28-07.)

16 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

17 Sec. 5-20. Heads of departments. Each department shall have
18 an officer as its head who shall be known as director or
19 secretary and who shall, subject to the provisions of the Civil
20 Administrative Code of Illinois, execute the powers and
21 discharge the duties vested by law in his or her respective
22 department.

23 The following officers are hereby created:

24 Director of Aging, for the Department on Aging.

25 Director of Agriculture, for the Department of

1 Agriculture.

2 Director of Central Management Services, for the
3 Department of Central Management Services.

4 Director of Children and Family Services, for the
5 Department of Children and Family Services.

6 Director of Commerce and Economic Opportunity, for the
7 Department of Commerce and Economic Opportunity.

8 Director of Corrections, for the Department of
9 Corrections.

10 Director of Emergency Management Agency, for the Emergency
11 Management Agency.

12 Director of Employment Security, for the Department of
13 Employment Security.

14 Secretary of Financial and Professional Regulation, for
15 the Department of Financial and Professional Regulation.

16 ~~Director of Financial Institutions, for the Department of~~
17 ~~Financial Institutions.~~

18 Director of Healthcare and Family Services, for the
19 Department of Healthcare and Family Services.

20 Director of Human Rights, for the Department of Human
21 Rights.

22 Secretary of Human Services, for the Department of Human
23 Services.

24 Director of the Illinois Power Agency, for the Illinois
25 Power Agency.

26 ~~Director of Insurance, for the Department of Insurance.~~

1 Director of Juvenile Justice, for the Department of
2 Juvenile Justice.

3 Director of Labor, for the Department of Labor.

4 Director of the Lottery, for the Department of the Lottery.

5 Director of Natural Resources, for the Department of
6 Natural Resources.

7 ~~Director of Professional Regulation, for the Department of~~
8 ~~Professional Regulation.~~

9 Director of Public Health, for the Department of Public
10 Health.

11 Director of Revenue, for the Department of Revenue.

12 Director of State Police, for the Department of State
13 Police.

14 Secretary of Transportation, for the Department of
15 Transportation.

16 Director of Veterans' Affairs, for the Department of
17 Veterans' Affairs.

18 (Source: P.A. 94-696, eff. 6-1-06; 95-331, eff. 8-21-07;
19 95-481, eff. 8-28-07.)

20 (20 ILCS 5/5-131 new)

21 Sec. 5-131. In the Department of Financial and Professional
22 Regulation. Four Directors of Financial and Professional
23 Regulation.

24 (20 ILCS 5/5-216 new)

1 Sec. 5-216. In the Department of Financial and Professional
2 Regulation.

3 (a) Neither the Secretary of Financial and Professional
4 Regulation, nor any other executive and administrative officer
5 in the Department of Financial and Professional Regulation
6 designated to oversee the functions administered pursuant to
7 the Department of Financial and Professional Regulation
8 (Professional Regulation) Law of the Civil Administrative Code
9 of Illinois, shall be affiliated with any college or school
10 that prepares individuals for licensure in any profession or
11 occupation regulated by the Department, either as teacher,
12 officer, or stockholder, nor shall the Secretary or other
13 executive and administrative officer hold a license or
14 certificate to exercise or practice any of the professions,
15 trades, or occupations regulated.

16 (b) The Secretary of Financial and Professional Regulation
17 shall be familiar with regulatory law and practice in the State
18 of Illinois. Each Director of Financial and Professional
19 Regulation shall be familiar with regulatory law and practice
20 regarding those functions that the Director is assigned to
21 oversee.

22 (20 ILCS 5/5-346 new)

23 Sec. 5-346. In the Department of Financial and Professional
24 Regulation. The Secretary of Financial and Professional
25 Regulation shall receive an annual salary as set by the

1 Governor from time to time or as set by the Compensation Review
2 Board, whichever is greater.

3 (20 ILCS 5/5-710)

4 Sec. 5-710. Executive Order provision superseded.

5 (a) Executive Order No. 2004-6 creates the Department of
6 Financial and Professional Regulation and, in subdivision
7 I(B), provides in part: "The new agency shall have an officer
8 as its head known as the Secretary who shall be responsible for
9 all agency functions. Appointment to this office shall be made
10 by the Governor, by and with the advice and consent of the
11 Senate."

12 (b) Executive Order No. 2004-6, in subdivision I(C),
13 provides in part: "None of the four Directors, nor any such
14 assistants or deputies, shall be state officers subject to
15 Senate confirmation."

16 (c) The sentence of subdivision I(C) of Executive Order
17 2004-6 that is quoted in subsection (b), to the extent that it
18 exempts the appointments of the 4 Directors of the Department
19 of Financial and Professional Regulation from Senate
20 confirmation, is superseded by subsection (d) of this Section
21 and is of no force or effect as to the appointment of the 4
22 Directors of the Department of Financial and Professional
23 Regulation.

24 (d) In addition to appointments to the Office of Secretary
25 of Financial and Professional Regulation, appointments to the 4

1 Offices of Director of Financial and Professional Regulation
2 must each be made by the Governor, by and with the advice and
3 consent of the Senate, as provided in Section 10 of the
4 Department of Financial and Professional Regulation Act.

5 (Source: P.A. 93-735, eff. 7-14-04.)

6 (20 ILCS 5/5-130 rep.)

7 (20 ILCS 5/5-140 rep.)

8 (20 ILCS 5/5-215 rep.)

9 (20 ILCS 5/5-225 rep.)

10 (20 ILCS 5/5-345 rep.)

11 (20 ILCS 5/5-360 rep.)

12 (20 ILCS 5/5-390 rep.)

13 Section 9026. The Civil Administrative Code of Illinois is
14 amended by repealing Sections 5-130, 5-140, 5-215, 5-225,
15 5-345, 5-360, and 5-390.

16 Section 9030. The Alcoholism and Other Drug Abuse and
17 Dependency Act is amended by changing Section 15-5 as follows:

18 (20 ILCS 301/15-5)

19 Sec. 15-5. Applicability.

20 (a) It is unlawful for any person to provide treatment for
21 alcoholism and other drug abuse or dependency or to provide
22 services as specified in subsections (c), (d), (e), and (f) of
23 Section 15-10 of this Act unless the person is licensed to do

1 so by the Department. The performance of these activities by
2 any person in violation of this Act is declared to be inimical
3 to the public health and welfare, and to be a public nuisance.
4 The Department may undertake such inspections and
5 investigations as it deems appropriate to determine whether
6 licensable activities are being conducted without the
7 requisite license.

8 (b) Nothing in this Act shall be construed to require any
9 hospital, as defined by the Hospital Licensing Act, required to
10 have a license from the Department of Public Health pursuant to
11 the Hospital Licensing Act to obtain any license under this Act
12 for any alcoholism and other drug dependency treatment services
13 operated on the licensed premises of the hospital, and operated
14 by the hospital or its designated agent, provided that such
15 services are covered within the scope of the Hospital Licensing
16 Act. No person or facility required to be licensed under this
17 Act shall be required to obtain a license pursuant to the
18 Hospital Licensing Act or the Child Care Act of 1969.

19 (c) Nothing in this Act shall be construed to require an
20 individual employee of a licensed program to be licensed under
21 this Act.

22 (d) Nothing in this Act shall be construed to require any
23 private professional practice, whether by an individual
24 practitioner, by a partnership, or by a duly incorporated
25 professional service corporation, that provides outpatient
26 treatment for alcoholism and other drug abuse to be licensed

1 under this Act, provided that the treatment is rendered
2 personally by the professional in his own name and the
3 professional is authorized by individual professional
4 licensure or registration from the Department of Financial and
5 Professional Regulation or its predecessor, the Department of
6 Professional Regulation, to do such treatment unsupervised.
7 This exemption shall not apply to such private professional
8 practice which specializes primarily or exclusively in the
9 treatment of alcoholism and other drug abuse. This exemption
10 shall also not apply to intervention services, research, or
11 residential treatment services as defined in this Act or by
12 rule.

13 Notwithstanding any other provisions of this subsection to
14 the contrary, persons licensed to practice medicine in all of
15 its branches in Illinois shall not require licensure under this
16 Act unless their private professional practice specializes
17 exclusively in the treatment of alcoholism and other drug
18 abuse.

19 (e) Nothing in this Act shall be construed to require any
20 employee assistance program operated by an employer or any
21 intervenor program operated by a professional association to
22 obtain any license pursuant to this Act to perform services
23 that do not constitute licensable treatment or intervention as
24 defined in this Act.

25 (f) Before any violation of this Act is reported by the
26 Department or any of its agents to any State's Attorney for the

1 institution of a criminal proceeding, the person against whom
2 such proceeding is contemplated shall be given appropriate
3 notice and an opportunity to present his views before the
4 Department or its designated agent, either orally or in
5 writing, in person or by an attorney, with regard to such
6 contemplated proceeding. Nothing in this Act shall be construed
7 as requiring the Department to report minor violations of this
8 Act whenever the Department believes that the public interest
9 would be adequately served by a suitable written notice or
10 warning.

11 (Source: P.A. 88-80; 89-202, eff. 7-21-95; 89-507, eff.
12 7-1-97.)

13 Section 9035. The Personnel Code is amended by changing
14 Section 4c as follows:

15 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

16 Sec. 4c. General exemptions. The following positions in
17 State service shall be exempt from jurisdictions A, B, and C,
18 unless the jurisdictions shall be extended as provided in this
19 Act:

20 (1) All officers elected by the people.

21 (2) All positions under the Lieutenant Governor,
22 Secretary of State, State Treasurer, State Comptroller,
23 State Board of Education, Clerk of the Supreme Court,
24 Attorney General, and State Board of Elections.

1 (3) Judges, and officers and employees of the courts,
2 and notaries public.

3 (4) All officers and employees of the Illinois General
4 Assembly, all employees of legislative commissions, all
5 officers and employees of the Illinois Legislative
6 Reference Bureau, the Legislative Research Unit, and the
7 Legislative Printing Unit.

8 (5) All positions in the Illinois National Guard and
9 Illinois State Guard, paid from federal funds or positions
10 in the State Military Service filled by enlistment and paid
11 from State funds.

12 (6) All employees of the Governor at the executive
13 mansion and on his immediate personal staff.

14 (7) Directors of Departments, the Adjutant General,
15 the Assistant Adjutant General, the Director of the
16 Illinois Emergency Management Agency, members of boards
17 and commissions, and all other positions appointed by the
18 Governor by and with the consent of the Senate.

19 (8) The presidents, other principal administrative
20 officers, and teaching, research and extension faculties
21 of Chicago State University, Eastern Illinois University,
22 Governors State University, Illinois State University,
23 Northeastern Illinois University, Northern Illinois
24 University, Western Illinois University, the Illinois
25 Community College Board, Southern Illinois University,
26 Illinois Board of Higher Education, University of

1 Illinois, State Universities Civil Service System,
2 University Retirement System of Illinois, and the
3 administrative officers and scientific and technical staff
4 of the Illinois State Museum.

5 (9) All other employees except the presidents, other
6 principal administrative officers, and teaching, research
7 and extension faculties of the universities under the
8 jurisdiction of the Board of Regents and the colleges and
9 universities under the jurisdiction of the Board of
10 Governors of State Colleges and Universities, Illinois
11 Community College Board, Southern Illinois University,
12 Illinois Board of Higher Education, Board of Governors of
13 State Colleges and Universities, the Board of Regents,
14 University of Illinois, State Universities Civil Service
15 System, University Retirement System of Illinois, so long
16 as these are subject to the provisions of the State
17 Universities Civil Service Act.

18 (10) The State Police so long as they are subject to
19 the merit provisions of the State Police Act.

20 (11) The scientific staff of the State Scientific
21 Surveys and the Waste Management and Research Center.

22 (12) The technical and engineering staffs of the
23 Department of Transportation, the Department of Nuclear
24 Safety, the Pollution Control Board, and the Illinois
25 Commerce Commission, and the technical and engineering
26 staff providing architectural and engineering services in

1 the Department of Central Management Services.

2 (13) All employees of the Illinois State Toll Highway
3 Authority.

4 (14) The Secretary of the Illinois Workers'
5 Compensation Commission.

6 (15) All persons who are appointed or employed by the
7 Secretary of Financial and Professional Regulation
8 ~~Director of Insurance~~ under authority of Section 202 of the
9 Illinois Insurance Code to assist the Secretary ~~Director of~~
10 ~~Insurance~~ in discharging his responsibilities relating to
11 the rehabilitation, liquidation, conservation, and
12 dissolution of companies that are subject to the
13 jurisdiction of the Illinois Insurance Code.

14 (16) All employees of the St. Louis Metropolitan Area
15 Airport Authority.

16 (17) All investment officers employed by the Illinois
17 State Board of Investment.

18 (18) Employees of the Illinois Young Adult
19 Conservation Corps program, administered by the Illinois
20 Department of Natural Resources, authorized grantee under
21 Title VIII of the Comprehensive Employment and Training Act
22 of 1973, 29 USC 993.

23 (19) Seasonal employees of the Department of
24 Agriculture for the operation of the Illinois State Fair
25 and the DuQuoin State Fair, no one person receiving more
26 than 29 days of such employment in any calendar year.

1 (20) All "temporary" employees hired under the
2 Department of Natural Resources' Illinois Conservation
3 Service, a youth employment program that hires young people
4 to work in State parks for a period of one year or less.

5 (21) All hearing officers of the Human Rights
6 Commission.

7 (22) All employees of the Illinois Mathematics and
8 Science Academy.

9 (23) All employees of the Kankakee River Valley Area
10 Airport Authority.

11 (24) The commissioners and employees of the Executive
12 Ethics Commission.

13 (25) The Executive Inspectors General, including
14 special Executive Inspectors General, and employees of
15 each Office of an Executive Inspector General.

16 (26) The commissioners and employees of the
17 Legislative Ethics Commission.

18 (27) The Legislative Inspector General, including
19 special Legislative Inspectors General, and employees of
20 the Office of the Legislative Inspector General.

21 (28) The Auditor General's Inspector General and
22 employees of the Office of the Auditor General's Inspector
23 General.

24 (Source: P.A. 93-617, eff. 12-9-03; 93-721, eff. 1-1-05;
25 93-1091, eff. 3-29-05.)

1 Section 9040. The Financial Institutions Code is amended by
2 changing Sections 1, 2, and 17 and by adding Section 1.5 as
3 follows:

4 (20 ILCS 1205/1) (from Ch. 17, par. 101)

5 Sec. 1. This Act shall be known and shall be cited as the
6 "Department of Financial and Professional Regulation
7 (Financial Institutions) Code."

8 (Source: Laws 1957, p. 369.)

9 (20 ILCS 1205/1.5 new)

10 Sec. 1.5. References to Department or Director of Financial
11 Institutions. On and after the effective date of this
12 amendatory Act of the 95th General Assembly:

13 (1) References in this Code to the Department of
14 Financial Institutions or "the Department" mean the
15 Department of Financial and Professional Regulation.

16 (2) References in this Code to the Director of
17 Financial Institutions or "the Director" mean the
18 Secretary of Financial and Professional Regulation.

19 (20 ILCS 1205/2) (from Ch. 17, par. 102)

20 Sec. 2. The purpose of the Department of Financial and
21 Professional Regulation (Financial Institutions) Code is to
22 provide under the Governor for the orderly administration and
23 enforcement of laws relating to financial institutions.

1 (Source: Laws 1957, p. 369.)

2 (20 ILCS 1205/17) (from Ch. 17, par. 118)

3 Sec. 17. Neither the Secretary of Financial and
4 Professional Regulation nor the Director of Financial and
5 Professional Regulation designated to oversee the functions
6 administered pursuant to the Department of Financial and
7 Professional Regulation (Financial Institutions) Code, nor any
8 supervisor, nor any examiner shall be an officer, director,
9 owner, or shareholder of, or a partner in, or have any
10 proprietary interest, direct or indirect, in any financial
11 institution; provided, however, that ownership of withdrawable
12 capital accounts or shares in credit unions shall not be deemed
13 to be prevented hereby. If the Secretary of Financial and
14 Professional Regulation, or the Director of Financial and
15 Professional Regulation designated to oversee the functions
16 administered pursuant to the Department of Financial and
17 Professional Regulation (Financial Institutions) Code, or any
18 supervisor, or any examiner, shall be a shareholder, or partner
19 in or an owner of or have any interest, direct or indirect, in
20 any such financial institution at the time of his appointment,
21 he shall dispose of his shares of stock or other evidences of
22 ownership or property within 120 days from the date of his
23 appointment. It is unlawful for the Secretary of Financial and
24 Professional Regulation, or the Director of Financial and
25 Professional Regulation designated to oversee the functions

1 administered pursuant to the Department of Financial and
2 Professional Regulation (Financial Institutions) Code, or any
3 supervisor or examiner to obtain any loan or gratuity from a
4 financial institution subject to the jurisdiction of the
5 Department as herein provided. If any other employee of the
6 Department borrows from or becomes indebted in an aggregate
7 amount of \$2,500 or more to any financial institution subject
8 to the jurisdiction of the Department, he shall make a written
9 report to the Director stating the date and amount of such loan
10 or indebtedness, the security therefor, if any, and the purpose
11 or purposes for which proceeds have been or are to be used.
12 (Source: P.A. 91-357, eff. 7-29-99.)

13 Section 9045. The Department of Insurance Law of the Civil
14 Administrative Code of Illinois is amended by changing the
15 heading of Article 1405 and Sections 1405-1, 1405-5, 1405-10,
16 1405-15, 1405-20, 1405-25, and 1405-30 as follows:

17 (20 ILCS 1405/Art. 1405 heading)

18 ARTICLE 1405. DEPARTMENT OF FINANCIAL AND PROFESSIONAL
19 REGULATION (INSURANCE)

20 (20 ILCS 1405/1405-1)

21 Sec. 1405-1. Article short title. This Article 1405 of the
22 Civil Administrative Code of Illinois may be cited as the
23 Department of Financial and Professional Regulation

1 (Insurance) Law.

2 (Source: P.A. 91-239, eff. 1-1-00.)

3 (20 ILCS 1405/1405-5) (was 20 ILCS 1405/56)

4 Sec. 1405-5. General powers. The Department of Financial
5 and Professional Regulation, as the successor of the Department
6 of Insurance, has the following powers:

7 (1) To exercise the rights, powers, and duties vested
8 by law in the insurance superintendent and the
9 superintendent's officers and employees.

10 (2) To exercise the rights, powers, and duties that
11 have been vested by law in the Department of Trade and
12 Commerce as the successor of the insurance superintendent
13 and the superintendent's officers and employees.

14 (3) To exercise the rights, powers, and duties
15 heretofore vested by law in the Department of Trade and
16 Commerce or in the Director of Trade and Commerce by:

17 (A) all laws in relation to insurance; and

18 (B) Article 22 of the Illinois Pension Code.

19 (4) To execute and administer all laws heretofore or
20 hereafter enacted relating to insurance.

21 (5) To transfer jurisdiction of any realty under the
22 control of the Department to any other department of the
23 State Government or to acquire or accept federal lands when
24 the transfer, acquisition, or acceptance is advantageous
25 to the State and is approved in writing by the Governor.

1 (Source: P.A. 91-239, eff. 1-1-00.)

2 (20 ILCS 1405/1405-10) (was 20 ILCS 1405/56.1)

3 Sec. 1405-10. Child health insurance plan study. The
4 Department of Financial and Professional Regulation ~~Insurance~~
5 shall cooperate with and provide consultation to the Department
6 of Public Health in studying the feasibility of a child health
7 insurance plan as provided in Section 2310-275 of the
8 Department of Public Health Powers and Duties Law (20 ILCS
9 2310/2310-275).

10 (Source: P.A. 91-239, eff. 1-1-00.)

11 (20 ILCS 1405/1405-15) (was 20 ILCS 1405/56.2)

12 Sec. 1405-15. Senior citizen assistance and information
13 program.

14 (a) The Department of Financial and Professional
15 Regulation ~~Insurance~~ shall administer and operate a program to
16 provide assistance and information to senior citizens in
17 relation to insurance matters. The program may include, but is
18 not limited to, counseling for senior citizens in the
19 evaluation, comparison, or selection of Medicare options,
20 Medicare supplement insurance, and long-term care insurance.

21 (b) The Department shall recruit and train volunteers to
22 provide the following:

23 (i) one-on-one counseling on insurance matters; and

24 (ii) education on insurance matters to senior citizens

1 through public forums.

2 (c) The Department shall solicit the volunteers for their
3 input and advice on the success and accessibility of the
4 program.

5 (d) The Department shall strive to assure that all seniors
6 residing in Illinois have access to the program.

7 (e) The Department ~~of Insurance~~ may promulgate reasonable
8 rules necessary to implement this Section.

9 (Source: P.A. 91-239, eff. 1-1-00.)

10 (20 ILCS 1405/1405-20) (was 20 ILCS 1405/56.3)

11 Sec. 1405-20. Investigational cancer treatments; study.

12 (a) The Department of Financial and Professional
13 Regulation ~~Insurance~~ shall conduct an analysis and study of
14 costs and benefits derived from the implementation of the
15 coverage requirements for investigational cancer treatments
16 established under Section 356y of the Illinois Insurance Code.
17 The study shall cover the years 2000, 2001, and 2002. The study
18 shall include an analysis of the effect of the coverage
19 requirements on the cost of insurance and health care, the
20 results of the treatments to patients, the mortality rate among
21 cancer patients, any improvements in care of patients, and any
22 improvements in the quality of life of patients.

23 (b) The Department shall report the results of its study to
24 the General Assembly and the Governor on or before March 1,
25 2003.

1 (Source: P.A. 91-406, eff. 1-1-00; 92-16, eff. 6-28-01.)

2 (20 ILCS 1405/1405-25)

3 Sec. 1405-25. Uninsured Ombudsman Program.

4 (a) The Department of Financial and Professional
5 Regulation ~~Insurance~~ shall establish and operate an Ombudsman
6 Program for uninsured individuals to provide assistance and
7 education to those individuals regarding health insurance
8 benefits options and rights under State and federal law. The
9 program may include, but is not limited to, counseling for
10 uninsured individuals in the discovery, evaluation, and
11 comparison of options for obtaining health insurance coverage.

12 (b) The Department may recruit and train volunteers to
13 assist in the Ombudsman Program. The volunteers may provide
14 one-on-one counseling on health insurance availability matters
15 and provide education to uninsured individuals through public
16 forums.

17 (c) The Department may issue reasonable rules necessary to
18 implement this Section.

19 (Source: P.A. 92-331, eff. 1-1-02.)

20 (20 ILCS 1405/1405-30)

21 Sec. 1405-30. Mental health insurance study.

22 (a) The Department of Financial and Professional
23 Regulation ~~Insurance~~ shall conduct an analysis and study of
24 costs and benefits derived from the implementation of the

1 coverage requirements for treatment of mental disorders
2 established under Section 370c of the Illinois Insurance Code.
3 The study shall cover the years 2002, 2003, and 2004. The study
4 shall include an analysis of the effect of the coverage
5 requirements on the cost of insurance and health care, the
6 results of the treatments to patients, any improvements in care
7 of patients, and any improvements in the quality of life of
8 patients.

9 (b) The Department shall report the results of its study to
10 the General Assembly and the Governor on or before March 1,
11 2005.

12 (Source: P.A. 92-185, eff. 1-1-02.)

13 Section 9050. The Mental Health and Developmental
14 Disabilities Administrative Act is amended by changing Section
15 56 as follows:

16 (20 ILCS 1705/56) (from Ch. 91 1/2, par. 100-56)

17 Sec. 56. The Secretary, upon making a determination based
18 upon information in the possession of the Department, that
19 continuation in practice of a licensed health care professional
20 would constitute an immediate danger to the public, shall
21 submit a written communication to the Secretary ~~Director~~ of
22 Financial and Professional Regulation indicating such
23 determination and additionally providing a complete summary of
24 the information upon which such determination is based, and

1 recommending that the Secretary ~~Director~~ of Financial and
2 Professional Regulation immediately suspend such person's
3 license. All relevant evidence, or copies thereof, in the
4 Department's possession may also be submitted in conjunction
5 with the written communication. A copy of such written
6 communication, which is exempt from the copying and inspection
7 provisions of the Freedom of Information Act, shall at the time
8 of submittal to the Secretary ~~Director~~ of Financial and
9 Professional Regulation be simultaneously mailed to the last
10 known business address of such licensed health care
11 professional by certified or registered postage, United States
12 Mail, return receipt requested. Any evidence, or copies
13 thereof, which is submitted in conjunction with the written
14 communication is also exempt from the copying and inspection
15 provisions of the Freedom of Information Act.

16 For the purposes of this Section, "licensed health care
17 professional" means any person licensed under the Illinois
18 Dental Practice Act, the Nurse Practice Act, the Medical
19 Practice Act of 1987, the Pharmacy Practice Act, the Podiatric
20 Medical Practice Act of 1987, and the Illinois Optometric
21 Practice Act of 1987.

22 (Source: P.A. 95-639, eff. 10-5-07; 95-689, eff. 10-29-07;
23 revised 12-5-07.)

24 Section 9055. The Department of Professional Regulation
25 Law of the Civil Administrative Code of Illinois is amended by

1 changing the heading of Article 2105 and Section 2105-1 and
2 adding Section 2105-2 as follows:

3 (20 ILCS 2105/Art. 2105 heading)

4 ARTICLE 2105. DEPARTMENT OF
5 FINANCIAL AND PROFESSIONAL REGULATION (PROFESSIONAL
6 REGULATION)

7 (20 ILCS 2105/2105-1)

8 Sec. 2105-1. Article short title. This Article 2105 of the
9 Civil Administrative Code of Illinois may be cited as the
10 Department of Financial and Professional Regulation
11 (Professional Regulation) Law.

12 (Source: P.A. 91-239, eff. 1-1-00.)

13 (20 ILCS 2105/2105-2 new)

14 Sec. 2105-2. References to Department or Director of
15 Professional Regulation. On and after the effective date of
16 this amendatory Act of the 95th General Assembly:

17 (1) References in this Law to the Department of
18 Professional Regulation or "the Department" mean the
19 Department of Financial and Professional Regulation.

20 (2) References in this Law to the Director of
21 Professional Regulation or "the Director" mean the
22 Secretary of Financial and Professional Regulation.

1 (20 ILCS 2105/2105-300 rep.) (was 20 ILCS 2105/61e)

2 Section 9056. The Department of Professional Regulation
3 Law of the Civil Administrative Code of Illinois is amended by
4 repealing Section 2105-300.

5 Section 9060. The Department of Public Aid Law of the Civil
6 Administrative Code of Illinois is amended by changing Section
7 2205-10 as follows:

8 (20 ILCS 2205/2205-10) (was 20 ILCS 2205/48b)

9 Sec. 2205-10. Suspension or termination of authorization
10 to provide medical services. Whenever the Department of
11 Healthcare and Family Services (formerly Department of Public
12 Aid) suspends or terminates the authorization of any person,
13 firm, corporation, association, agency, institution, or other
14 legal entity to provide medical services under Article V of the
15 Illinois Public Aid Code and the practice of providing those
16 services or the maintenance of facilities for those services is
17 licensed under a licensing Act administered by the Department
18 of Public Health or the Department of Financial and
19 Professional Regulation, the Department of Healthcare and
20 Family Services shall, within 30 days of the suspension or
21 termination, give written notice of the suspension or
22 termination and transmit a record of the evidence and specify
23 the grounds on which the suspension or termination is based to
24 the Department that administers the licensing Act under which

1 that person, firm, corporation, association, agency,
2 institution, or other legal entity is licensed, subject to any
3 confidentiality requirements imposed by applicable federal or
4 State law. The cost of any such record shall be borne by the
5 Department to which it is transmitted.

6 (Source: P.A. 95-331, eff. 8-21-07.)

7 Section 9065. The Illinois Health Finance Reform Act is
8 amended by changing Section 4-2 as follows:

9 (20 ILCS 2215/4-2) (from Ch. 111 1/2, par. 6504-2)

10 Sec. 4-2. Powers and duties.

11 (a) (Blank).

12 (b) (Blank).

13 (c) (Blank).

14 (d) Uniform Provider Utilization and Charge Information.

15 (1) The Department of Public Health shall require that
16 all hospitals and ambulatory surgical treatment centers
17 licensed to operate in the State of Illinois adopt a
18 uniform system for submitting patient claims and encounter
19 data for payment from public and private payors. This
20 system shall be based upon adoption of the uniform
21 electronic billing form pursuant to the Health Insurance
22 Portability and Accountability Act.

23 (2) (Blank).

24 (3) The Department of Financial and Professional

1 Regulation Insurance shall require all third-party payors,
2 including but not limited to, licensed insurers, medical
3 and hospital service corporations, health maintenance
4 organizations, and self-funded employee health plans, to
5 accept the uniform billing form, without attachment as
6 submitted by hospitals pursuant to paragraph (1) of
7 subsection (d) above, effective January 1, 1985; provided,
8 however, nothing shall prevent all such third party payors
9 from requesting additional information necessary to
10 determine eligibility for benefits or liability for
11 reimbursement for services provided.

12 (4) By no later than 60 days after the end of each
13 calendar quarter, each hospital licensed in the State shall
14 electronically submit to the Department inpatient and
15 outpatient claims and encounter data related to surgical
16 and invasive procedures collected under paragraph (5) for
17 each patient.

18 By no later than 60 days after the end of each calendar
19 quarter, each ambulatory surgical treatment center
20 licensed in the State shall electronically submit to the
21 Department outpatient claims and encounter data collected
22 under paragraph (5) for each patient, provided however,
23 that, until July 1, 2006, ambulatory surgical treatment
24 centers who cannot electronically submit data may submit
25 data by computer diskette. For hospitals, the claims and
26 encounter data to be reported shall include all inpatient

1 surgical cases. Claims and encounter data submitted under
2 this Act shall not include a patient's name, address, or
3 Social Security number.

4 (5) By no later than January 1, 2006, the Department
5 must collect and compile claims and encounter data related
6 to surgical and invasive procedures according to uniform
7 electronic submission formats as required under the Health
8 Insurance Portability and Accountability Act. By no later
9 than January 1, 2006, the Department must collect and
10 compile from ambulatory surgical treatment centers the
11 claims and encounter data according to uniform electronic
12 data element formats as required under the Health Insurance
13 Portability and Accountability Act of 1996 (HIPAA).

14 (6) The Department shall make available on its website
15 the "Consumer Guide to Health Care" by January 1, 2006. The
16 "Consumer Guide to Health Care" shall include information
17 on at least 30 inpatient conditions and procedures
18 identified by the Department that demonstrate the highest
19 degree of variation in patient charges and quality of care.
20 By no later than January 1, 2007, the "Consumer Guide to
21 Health Care" shall also include information on at least 30
22 outpatient conditions and procedures identified by the
23 Department that demonstrate the highest degree of
24 variation in patient charges and quality care. As to each
25 condition or procedure, the "Consumer Guide to Health Care"
26 shall include up-to-date comparison information relating

1 to volume of cases, average charges, risk-adjusted
2 mortality rates, and nosocomial infection rates and, with
3 respect to outpatient surgical and invasive procedures,
4 shall include information regarding surgical infections,
5 complications, and direct admissions of outpatient cases
6 to hospitals for selected procedures, as determined by the
7 Department, based on review by the Department of its own,
8 local, or national studies. Information disclosed pursuant
9 to this paragraph on mortality and infection rates shall be
10 based upon information hospitals and ambulatory surgical
11 treatment centers have either (i) previously submitted to
12 the Department pursuant to their obligations to report
13 health care information under this Act or other public
14 health reporting laws and regulations outside of this Act
15 or (ii) submitted to the Department under the provisions of
16 the Hospital Report Card Act.

17 (7) Publicly disclosed information must be provided in
18 language that is easy to understand and accessible to
19 consumers using an interactive query system. The guide
20 shall include such additional information as is necessary
21 to enhance decision making among consumer and health care
22 purchasers, which shall include, at a minimum, appropriate
23 guidance on how to interpret the data and an explanation of
24 why the data may vary from provider to provider. The
25 "Consumer Guide to Health Care" shall also cite standards
26 that facilities meet under state and federal law and, if

1 applicable, to achieve voluntary accreditation.

2 (8) None of the information the Department discloses to
3 the public under this subsection may be made available
4 unless the information has been reviewed, adjusted, and
5 validated according to the following process:

6 (i) Hospitals, ambulatory surgical treatment
7 centers, and organizations representing hospitals,
8 ambulatory surgical treatment centers, purchasers,
9 consumer groups, and health plans are meaningfully
10 involved in providing advice and consultation to the
11 Department in the development of all aspects of the
12 Department's methodology for collecting, analyzing,
13 and disclosing the information collected under this
14 Act, including collection methods, formatting, and
15 methods and means for release and dissemination;

16 (ii) The entire methodology for collecting and
17 analyzing the data is disclosed to all relevant
18 organizations and to all providers that are the subject
19 of any information to be made available to the public
20 before any public disclosure of such information;

21 (iii) Data collection and analytical methodologies
22 are used that meet accepted standards of validity and
23 reliability before any information is made available
24 to the public;

25 (iv) The limitations of the data sources and
26 analytic methodologies used to develop comparative

1 provider information are clearly identified and
2 acknowledged, including, but not limited to,
3 appropriate and inappropriate uses of the data;

4 (v) To the greatest extent possible, comparative
5 hospital and ambulatory surgical treatment center
6 information initiatives use standard-based norms
7 derived from widely accepted provider-developed
8 practice guidelines;

9 (vi) Comparative hospital and ambulatory surgical
10 treatment center information and other information
11 that the Department has compiled regarding hospitals
12 and ambulatory surgical treatment centers is shared
13 with the hospitals and ambulatory surgical treatment
14 centers under review prior to public dissemination of
15 the information and these providers have an
16 opportunity to make corrections and additions of
17 helpful explanatory comments about the information
18 before the publication;

19 (vii) Comparisons among hospitals and ambulatory
20 surgical treatment centers adjust for patient case mix
21 and other relevant risk factors and control for
22 provider peer groups, if applicable;

23 (viii) Effective safeguards to protect against the
24 unauthorized use or disclosure of hospital and
25 ambulatory surgical treatment center information are
26 developed and implemented;

1 (ix) Effective safeguards to protect against the
2 dissemination of inconsistent, incomplete, invalid,
3 inaccurate, or subjective provider data are developed
4 and implemented;

5 (x) The quality and accuracy of hospital and
6 ambulatory surgical treatment center information
7 reported under this Act and its data collection,
8 analysis, and dissemination methodologies are
9 evaluated regularly; and

10 (xi) Only the most basic hospital or ambulatory
11 surgical treatment center identifying information from
12 mandatory reports is used. Information regarding a
13 hospital or ambulatory surgical center may be released
14 regardless of the number of employees or health care
15 professionals whose data are reflected in the data for
16 the hospital or ambulatory surgical treatment center
17 as long as no specific information identifying an
18 employee or a health care professional is released.
19 Further, patient identifiable information is not
20 released. The input data collected by the Department
21 shall not be a public record under the Illinois Freedom
22 of Information Act.

23 None of the information the Department discloses to the
24 public under this Act may be used to establish a standard
25 of care in a private civil action.

26 (9) The Department must develop and implement an

1 outreach campaign to educate the public regarding the
2 availability of the "Consumer Guide to Health Care".

3 (10) By January 1, 2006, the Department must study the
4 most effective methods for public disclosure of patient
5 claims and encounter data and health care quality
6 information that will be useful to consumers in making
7 health care decisions and report its recommendations to the
8 Governor and to the General Assembly.

9 (11) The Department must undertake all steps necessary
10 under State and Federal law to protect patient
11 confidentiality in order to prevent the identification of
12 individual patient records.

13 (12) The Department must adopt rules for inpatient and
14 outpatient data collection and reporting no later than
15 January 1, 2006.

16 (13) In addition to the data products indicated above,
17 the Department shall respond to requests by government
18 agencies, academic research organizations, and private
19 sector organizations for purposes of clinical performance
20 measurements and analyses of data collected pursuant to
21 this Section.

22 (14) The Department, with the advice of and in
23 consultation with hospitals, ambulatory surgical treatment
24 centers, organizations representing hospitals,
25 organizations representing ambulatory treatment centers,
26 purchasers, consumer groups, and health plans, must

1 evaluate additional methods for comparing the performance
2 of hospitals and ambulatory surgical treatment centers,
3 including the value of disclosing additional measures that
4 are adopted by the National Quality Forum, The Joint
5 Commission on Accreditation of Healthcare Organizations,
6 the Accreditation Association for Ambulatory Health Care,
7 the Centers for Medicare and Medicaid Services, or similar
8 national entities that establish standards to measure the
9 performance of health care providers. The Department shall
10 report its findings and recommendations on its Internet
11 website and to the Governor and General Assembly no later
12 than July 1, 2006.

13 (e) (Blank).

14 (Source: P.A. 93-144, eff. 7-10-03; 94-27, eff. 6-14-05.)

15 Section 9070. The Department of Public Health Powers and
16 Duties Law of the Civil Administrative Code of Illinois is
17 amended by changing Sections 2310-140, 2310-228, and 2310-445
18 as follows:

19 (20 ILCS 2310/2310-140) (was 20 ILCS 2310/55.37a)

20 Sec. 2310-140. Recommending suspension of licensed health
21 care professional. The Director, upon making a determination
22 based upon information in the possession of the Department that
23 continuation in practice of a licensed health care professional
24 would constitute an immediate danger to the public, shall

1 submit a written communication to the Secretary ~~Director~~ of
2 Financial and Professional Regulation indicating that
3 determination and additionally (i) providing a complete
4 summary of the information upon which the determination is
5 based and (ii) recommending that the Secretary ~~Director~~ of
6 Financial and Professional Regulation immediately suspend the
7 person's license. All relevant evidence, or copies thereof, in
8 the Department's possession may also be submitted in
9 conjunction with the written communication. A copy of the
10 written communication, which is exempt from the copying and
11 inspection provisions of the Freedom of Information Act, shall
12 at the time of submittal to the Secretary ~~Director~~ of Financial
13 and Professional Regulation be simultaneously mailed to the
14 last known business address of the licensed health care
15 professional by certified or registered postage, United States
16 Mail, return receipt requested. Any evidence, or copies
17 thereof, that is submitted in conjunction with the written
18 communication is also exempt from the copying and inspection
19 provisions of the Freedom of Information Act.

20 For the purposes of this Section, "licensed health care
21 professional" means any person licensed under the Illinois
22 Dental Practice Act, the Nurse Practice Act, the Medical
23 Practice Act of 1987, the Pharmacy Practice Act, the Podiatric
24 Medical Practice Act of 1987, or the Illinois Optometric
25 Practice Act of 1987.

26 (Source: P.A. 95-639, eff. 10-5-07; 95-689, eff. 10-29-07;

1 revised 12-5-07.)

2 (20 ILCS 2310/2310-228)

3 Sec. 2310-228. Nursing workforce database.

4 (a) The Department shall, subject to appropriation and in
5 consultation with the Illinois Coalition for Nursing
6 Resources, the Illinois Nurses Association, and other nursing
7 associations, establish and administer a nursing workforce
8 database. The database shall be assembled from data currently
9 collected by State agencies or departments that may be released
10 under the Freedom of Information Act and shall be maintained
11 with the assistance of the Department of Financial and
12 Professional Regulation, the Department of Labor, the
13 Department of Employment Security, and any other State agency
14 or department with access to nursing workforce-related
15 information.

16 (b) The objective of establishing the database shall be to
17 compile the following data related to the nursing workforce
18 that is currently collected by State agencies or departments
19 that may be released under the Freedom of Information Act:

20 (1) Data on current and projected population
21 demographics and available health indicator data to
22 determine how the population needs relate to the demand for
23 nursing services.

24 (2) Data to create a dynamic system for projecting
25 nurse workforce supply and demand.

1 (3) Data related to the development of a nursing
2 workforce that considers the diversity, educational mix,
3 geographic distribution, and number of nurses needed
4 within the State.

5 (4) Data on the current and projected numbers of nurse
6 faculty who are needed to educate the nurses who will be
7 needed to meet the needs of the residents of the State.

8 (5) Data on nursing education programs within the State
9 including number of nursing programs, applications,
10 enrollments, and graduation rates.

11 (6) Data needed to develop collaborative models
12 between nursing education and practice to identify
13 necessary competencies, educational strategies, and models
14 of professional practice.

15 (7) Data on nurse practice setting, practice
16 locations, and specialties.

17 (c) To accomplish the objectives set forth in subsection
18 (b), data compiled by the Department into a database may be
19 used by the Department, medical institutions and societies,
20 health care facilities and associations of health care
21 facilities, and nursing programs to assess current and
22 projected nursing workforce shortfalls and develop strategies
23 for overcoming them. Notwithstanding any other provision of
24 law, the Department may not disclose any data that it compiles
25 under this Section in a manner that would allow the
26 identification of any particular health care professional or

1 health care facility.

2 (d) Nothing in this Section shall be construed as requiring
3 any health care facility to file or submit any data,
4 information, or reports to the Department or any State agency
5 or department.

6 (e) No later than January 15, 2006, the Department shall
7 submit a report to the Governor and to the members of the
8 General Assembly regarding the development of the database and
9 the effectiveness of its use.

10 (Source: P.A. 93-795, eff. 1-1-05.)

11 (20 ILCS 2310/2310-445) (was 20 ILCS 2310/55.71)

12 Sec. 2310-445. Interagency council on health care for
13 pregnant women and infants.

14 (a) On or before January 1, 1994, the Director, in
15 cooperation with the Director of Public Aid (now Director of
16 Healthcare and Family Services), the Director of Children and
17 Family Services, the Director of Alcoholism and Substance
18 Abuse, and the Director of Insurance, shall develop and submit
19 to the Governor a proposal for consolidating all existing
20 health programs required by law for pregnant women and infants
21 into one comprehensive plan to be implemented by one or several
22 agencies. The proposal shall:

23 (1) include a time schedule for implementing the plan;

24 (2) provide a cost estimate of the plan;

25 (3) identify federal waivers necessary to implement

1 the plan;

2 (4) examine innovative programs; and

3 (5) identify sources of funding for the plan.

4 (b) The plan developed under subsection (a) shall provide
5 the following services statewide:

6 (1) Comprehensive prenatal services for all pregnant
7 women who qualify for existing programs through the
8 Department of Public Aid (now Department of Healthcare and
9 Family Services) or the Department of Public Health or any
10 other government-funded programs.

11 (2) Comprehensive medical care for all infants under 1
12 year of age.

13 (3) A case management system under which each family
14 with a child under the plan is assigned a case manager and
15 under which every reasonable effort is made to assure
16 continuity of case management and access to other
17 appropriate social services.

18 (4) Services regardless of and fees for services based
19 on clients' ability to pay.

20 (c) To the extent that any functions of the Director of
21 Insurance under this Section remain unperformed on the
22 effective date of this amendatory Act of the 95th General
23 Assembly, the Secretary of Financial and Professional
24 Regulation shall perform those functions on and after that
25 date.

26 (Source: P.A. 95-331, eff. 8-21-07.)

1 Section 9075. The Criminal Identification Act is amended by
2 changing Section 3.1 as follows:

3 (20 ILCS 2630/3.1) (from Ch. 38, par. 206-3.1)

4 Sec. 3.1. (a) The Department may furnish, pursuant to
5 positive identification, records of convictions to the
6 Department of Financial and Professional Regulation for the
7 purpose of meeting registration or licensure requirements
8 under the Private Detective, Private Alarm, Private Security,
9 Fingerprint Vendor, and Locksmith Act of 2004.

10 (b) The Department may furnish, pursuant to positive
11 identification, records of convictions to policing bodies of
12 this State for the purpose of assisting local liquor control
13 commissioners in carrying out their duty to refuse to issue
14 licenses to persons specified in paragraphs (4), (5) and (6) of
15 Section 6-2 of the Liquor Control Act of 1934.

16 (c) The Department shall charge an application fee, based
17 on actual costs, for the dissemination of records pursuant to
18 this Section. Fees received for the dissemination of records
19 pursuant to this Section shall be deposited in the State Police
20 Services Fund. The Department is empowered to establish this
21 fee and to prescribe the form and manner for requesting and
22 furnishing conviction information pursuant to this Section.

23 (d) Any dissemination of any information obtained pursuant
24 to this Section to any person not specifically authorized

1 hereby to receive or use it for the purpose for which it was
2 disseminated shall constitute a violation of Section 7.

3 (Source: P.A. 95-613, eff. 9-11-07.)

4 Section 9080. The Office of Banks and Real Estate Act is
5 amended by changing the title of the Act and Sections 0.1, 0.8,
6 2, 2.5, 6, and 6.5 and by adding Sections 0.1a as follows:

7 (20 ILCS 3205/Act title)

8 An Act to provide for the administration of the Department
9 of Financial and Professional Regulation as the successor of
10 the Office of Banks and Real Estate.

11 (20 ILCS 3205/0.1)

12 Sec. 0.1. Short title. This Act may be cited as the
13 Department of Financial and Professional Regulation (~~Office of~~
14 Banks and Real Estate) Act.

15 (Source: P.A. 89-508, eff. 7-3-96.)

16 (20 ILCS 3205/0.1a new)

17 Sec. 0.1a. Department of Financial and Professional
18 Regulation Act; references to Office or Commissioner of Banks
19 and Real Estate.

20 (a) This Act is subject to the Department of Financial and
21 Professional Regulation Act.

22 (b) On and after the effective date of this amendatory Act

1 of the 95th General Assembly:

2 (1) References in this Act to the Office of Banks and
3 Real Estate or "the Office" mean the Department of
4 Financial and Professional Regulation.

5 (2) References in this Act to the Commissioner of Banks
6 and Real Estate or "the Commissioner" mean the Secretary of
7 Financial and Professional Regulation.

8 (20 ILCS 3205/0.8)

9 Sec. 0.8. Commissioner and deputy commissioners.

10 ~~(a) The Office of Banks and Real Estate shall be under the~~
11 ~~direction of the Commissioner of Banks and Real Estate.~~

12 ~~There shall be a First Deputy Commissioner and such other~~
13 ~~deputy commissioners as the Governor may deem appropriate. All~~
14 ~~deputy commissioners shall be under the direction,~~
15 ~~supervision, and control of the Commissioner. The Commissioner~~
16 ~~may delegate to one or more of the deputy commissioners any~~
17 ~~power or duty that the Commissioner is authorized or required~~
18 ~~by law to perform.~~

19 ~~(b) The Commissioner and all deputy commissioners shall be~~
20 ~~persons who are experienced in the theory and practice of the~~
21 ~~business of banks and other financial institutions.~~

22 ~~(c) The Commissioner, the First Deputy Commissioner, and~~
23 ~~the deputy commissioners shall be appointed by the Governor~~
24 ~~with the advice and consent of the Senate. If a vacancy occurs~~
25 ~~while the Senate is not in session, the Governor may make a~~

1 ~~temporary appointment until the next meeting of the Senate,~~
2 ~~when the Governor shall nominate some person to fill the~~
3 ~~vacancy. A person nominated to fill a vacancy, if confirmed by~~
4 ~~the Senate, shall hold office for the remainder of the vacated~~
5 ~~term and until his or her successor has been appointed and has~~
6 ~~qualified.~~

7 ~~(d) If the Commissioner is absent or unable to act, or if~~
8 ~~the position of Commissioner becomes vacant, the First Deputy~~
9 ~~Commissioner shall be Acting Commissioner and shall execute the~~
10 ~~powers and discharge the duties vested by law in the~~
11 ~~Commissioner until a temporary appointment is made as provided~~
12 ~~in subsection (c).~~

13 ~~If both the Commissioner and the First Deputy Commissioner~~
14 ~~are absent or unable to act, or if the positions of~~
15 ~~Commissioner and First Deputy Commissioner are both vacant, the~~
16 ~~Governor shall designate another deputy commissioner as Acting~~
17 ~~Commissioner to execute the powers and discharge the duties~~
18 ~~vested by law in the Commissioner until a temporary appointment~~
19 ~~is made as provided in subsection (c).~~

20 ~~(e) The terms of the persons serving as the Commissioner,~~
21 ~~First Deputy Commissioner, and Deputy Commissioners of Banks~~
22 ~~and Trust Companies shall end on the effective date of this~~
23 ~~amendatory Act of 1996, or as sooner provided by executive~~
24 ~~order, except that those persons shall continue to serve as~~
25 ~~Commissioner, First Deputy Commissioner, and Deputy~~
26 ~~Commissioners of the Office of Banks and Real Estate,~~

1 ~~respectively, until their successors have been appointed and~~
2 ~~have qualified.~~

3 ~~(f) The Commissioner, First Deputy Commissioner, and~~
4 ~~Deputy Commissioners of the Office of Banks and Real Estate~~
5 ~~shall hold office for terms beginning upon confirmation and~~
6 ~~continuing until January 31, 2000 and until their successors~~
7 ~~have been appointed and have qualified. Thereafter the~~
8 ~~Commissioner, First Deputy Commissioner, and Deputy~~
9 ~~Commissioners of the Office of Banks and Real Estate shall~~
10 ~~serve for terms of 4 years beginning on February 1, 2000 and on~~
11 ~~February 1 of every fourth year thereafter.~~

12 (Source: P.A. 89-508, eff. 7-3-96.)

13 (20 ILCS 3205/2) (from Ch. 17, par. 452)

14 Sec. 2. Oath and bond.

15 (a) The Commissioner ~~and each deputy commissioner~~, before
16 entering upon the duties of office, shall take and subscribe
17 the constitutional oath of office.

18 (b) The Commissioner ~~and each deputy commissioner~~, before
19 entering upon the duties of office, shall give bond, with
20 security to be approved by the Governor, in the sum of \$20,000
21 ~~for the Commissioner and \$10,000 for each deputy commissioner~~,
22 conditioned upon the faithful performance of his or her ~~their~~
23 duties. Each such bond shall be filed with the Secretary of
24 State.

25 (Source: P.A. 89-508, eff. 7-3-96.)

1 (20 ILCS 3205/2.5)

2 Sec. 2.5. Prohibited activities.

3 (a) For the purposes of this Section, "regulated entity"
4 means any person, business, company, corporation, institution,
5 or other entity subject to regulation by the Department of
6 Financial and Professional Regulation ~~Office of Banks and Real~~
7 ~~Estate~~ under the Illinois Banking Act, the Savings and Loan Act
8 of 1985, the Savings Bank Act, the Residential Mortgage License
9 Act of 1987, the Corporate Fiduciary Act, the Illinois Bank
10 Holding Company Act of 1957, the Foreign Banking Office Act, or
11 the Electronic Fund Transfer Act.

12 (b) The Secretary of Financial and Professional Regulation
13 ~~Commissioner~~ and the Director of Financial and Professional
14 Regulation designated to oversee the functions administered
15 pursuant to the Department of Financial and Professional
16 Regulation (Banks and Real Estate) Act ~~deputy commissioners~~
17 shall not be an officer, director, employee, or agent of a
18 regulated entity or of a corporation or company that owns or
19 controls a regulated entity.

20 The Secretary of Financial and Professional Regulation
21 ~~Commissioner~~ and the Director of Financial and Professional
22 Regulation designated to oversee the functions administered
23 pursuant to the Department of Financial and Professional
24 Regulation (Banks and Real Estate) Act ~~deputy commissioners~~
25 shall not own shares of stock or hold any other equity interest

1 in a regulated entity or in a corporation or company that owns
2 or controls a regulated entity. If the Secretary of Financial
3 and Professional Regulation Commissioner or the Director of
4 Financial and Professional Regulation designated to oversee
5 the functions administered pursuant to the Department of
6 Financial and Professional Regulation (Banks and Real Estate)
7 Act ~~a deputy commissioner~~ owns shares of stock or holds an
8 equity interest in a regulated entity at the time of
9 appointment, he or she shall dispose of such shares or other
10 equity interest within 120 days from the date of appointment.

11 The Secretary of Financial and Professional Regulation
12 ~~Commissioner~~ and the Director of Financial and Professional
13 Regulation designated to oversee the functions administered
14 pursuant to the Department of Financial and Professional
15 Regulation (Banks and Real Estate) Act ~~deputy commissioners~~
16 shall not directly or indirectly obtain a loan from a regulated
17 entity or accept a gratuity from a regulated entity that is
18 intended to influence the performance of official duties.

19 (c) Employees of the Department of Financial and
20 Professional Regulation ~~Office of Banks and Real Estate~~ shall
21 not be officers, directors, employees, or agents of a regulated
22 entity or of a corporation or company that owns or controls a
23 regulated entity.

24 Except as provided by standards which the Department of
25 Financial and Professional Regulation ~~Office of Banks and Real~~
26 ~~Estate~~ may establish, employees of the Department of Financial

1 ~~and Professional Regulation Office of Banks and Real Estate~~
2 shall not own shares of stock or hold any other equity interest
3 in a regulated entity or in a corporation or company that owns
4 or controls a regulated entity, or directly or indirectly
5 obtain a loan from a regulated entity, or accept a gratuity
6 from a regulated entity that is intended to influence the
7 performance of official duties. However, in no case shall an
8 employee of the Department of Financial and Professional
9 Regulation ~~Office of Banks and Real Estate~~ participate in any
10 manner in the examination or direct regulation of a regulated
11 entity in which the employee owns shares of stock or holds any
12 other equity interest, or which is servicing a loan to which
13 the employee is an obligor.

14 (d) If the Secretary of Financial and Professional
15 Regulation Commissioner, the Director of Financial and
16 Professional Regulation designated to oversee the functions
17 administered pursuant to the Department of Financial and
18 Professional Regulation (Banks and Real Estate) Act ~~a deputy~~
19 ~~commissioner~~, or any employee of the Department of Financial
20 and Professional Regulation ~~Office of Banks and Real Estate~~
21 properly obtains a loan or extension of credit from an entity
22 that is not a regulated entity, and the loan or extension of
23 credit is subsequently acquired by a regulated entity or the
24 entity converts to become a regulated entity after the loan is
25 made, such purchase by or conversion to a regulated entity
26 shall not cause the loan or extension of credit to be deemed a

1 violation of this Section.

2 Nothing in this Section shall be deemed to prevent the
3 ownership of a checking account, a savings deposit account, a
4 money market account, a certificate of deposit, a credit or
5 debit card account, or shares in open-end investment companies
6 registered with the Securities and Exchange Commission
7 pursuant to the federal Investment Company Act of 1940 and the
8 Securities Act of 1933 (commonly referred to as mutual or money
9 market funds).

10 (e) Neither the Secretary of Financial and Professional
11 Regulation No Commissioner, nor the Director of Financial and
12 Professional Regulation designated to oversee the functions
13 administered pursuant to the Department of Financial and
14 Professional Regulation (Banks and Real Estate) Act ~~deputy~~
15 ~~commissioner~~, nor any employee, or agent of the Department of
16 Financial and Professional Regulation ~~Office of Banks and Real~~
17 ~~Estate~~ shall, either during or after the holding of his or her
18 term of office or employment, disclose confidential
19 information concerning any regulated entity or person except as
20 authorized by law or prescribed by rule. "Confidential
21 information", as used in this Section, means any information
22 that the person or officer obtained during his or her term of
23 office or employment that is not available from the Department
24 of Financial and Professional Regulation ~~Office of Banks and~~
25 ~~Real Estate~~ pursuant to a request under the Freedom of
26 Information Act.

1 (Source: P.A. 89-508, eff. 7-3-96.)

2 (20 ILCS 3205/6) (from Ch. 17, par. 456)

3 Sec. 6. Duties. The Commissioner shall direct and supervise
4 all the administrative and technical activities of the Office
5 and shall:

6 (a) Apply and carry out this Act and the law and all rules
7 adopted in pursuance thereof.

8 (b) Appoint, subject to the provisions of the Personnel
9 Code, such employees, experts, and special assistants as may be
10 necessary to carry out effectively the provisions of this Act
11 and, if the rate of compensation is not otherwise fixed by law,
12 fix their compensation; but ~~neither~~ the Commissioner ~~nor any~~
13 ~~deputy commissioner~~ shall not be subject to the Personnel Code.

14 (c) Serve as Chairman of the State Banking Board of
15 Illinois.

16 (d) Serve as Chairman of the Board of Trustees of the
17 Illinois Bank Examiners' Education Foundation.

18 (e) Issue guidelines in the form of rules or regulations
19 which will prohibit discrimination by any State chartered bank
20 against any individual, corporation, partnership, association
21 or other entity because it appears in a so-called blacklist
22 issued by any domestic or foreign corporate or governmental
23 entity.

24 (f) Make an annual report to the Governor regarding the
25 work of the Office as the Commissioner may consider desirable

1 or as the Governor may request.

2 (g) Perform such other acts as may be requested by the
3 State Banking Board of Illinois pursuant to its lawful powers
4 and perform any other lawful act that the Commissioner
5 considers to be necessary or desirable to carry out the
6 purposes and provisions of this Act.

7 (h) Adopt, in accordance with the Illinois Administrative
8 Procedure Act, reasonable rules that the Commissioner deems
9 necessary for the proper administration and enforcement of any
10 Act the administration of which is vested in the Commissioner
11 or the Office of Banks and Real Estate.

12 (i) Work in cooperation with the Director of Aging to
13 encourage all financial institutions regulated by the Office to
14 participate fully in the Department on Aging's financial
15 exploitation of the elderly intervention program.

16 (Source: P.A. 92-483, eff. 8-23-01; 93-786, eff. 7-21-04.)

17 (20 ILCS 3205/6.5)

18 Sec. 6.5. Commissioner, boards, actions taken. Neither the
19 Commissioner, ~~any deputy commissioner,~~ any member of any Board
20 or committee which performs functions related to Acts
21 administered by the Commissioner, nor any employee of the
22 Commissioner's office shall be subject to any civil liability
23 or penalty, whether for damages or otherwise, on account of or
24 for any action taken or omitted to be taken in their respective
25 official capacities, except when such acts or omissions to act

1 are corrupt or malicious or unless such action is taken or
2 omitted to be taken not in good faith and without reasonable
3 grounds.

4 (Source: P.A. 90-602, eff. 7-1-98.)

5 (20 ILCS 3205/1 rep.) (from Ch. 17, par. 451)

6 Section 9081. The Office of Banks and Real Estate Act is
7 amended by repealing Section 1.

8 Section 9085. The Illinois Bank Examiners' Education
9 Foundation Act is amended by adding Section 2.5 as follows:

10 (20 ILCS 3210/2.5 new)

11 Sec. 2.5. References to Office or Commissioner of Banks and
12 Real Estate. On and after the effective date of this amendatory
13 Act of the 95th General Assembly:

14 (1) References in this Act to the Office of Banks and
15 Real Estate or "the Office" mean the Department of
16 Financial and Professional Regulation.

17 (2) References in this Act to the Commissioner of Banks
18 and Real Estate or "the Commissioner" mean the Secretary of
19 Financial and Professional Regulation.

20 Section 9090. The Illinois Investment and Development
21 Authority Act is amended by changing Section 15 as follows:

1 (20 ILCS 3820/15)

2 Sec. 15. Creation of Illinois Investment and Development
3 Authority; members.

4 (a) There is created a political subdivision, body politic
5 and corporate, to be known as the Illinois Investment and
6 Development Authority. The exercise by the Authority of the
7 powers conferred by law shall be an essential public function.
8 The governing powers of the Authority shall be vested in a body
9 consisting of 11 members, including, as ex officio members, the
10 Secretary of Financial and Professional Regulation
11 ~~Commissioner of Banks and Real Estate~~ and the Director of
12 Commerce and Economic Opportunity or their designees. The other
13 9 members of the Authority shall be appointed by the Governor,
14 with the advice and consent of the Senate, and shall be
15 designated "public members". The public members shall include
16 representatives from banks and other private financial
17 services industries, community development finance experts,
18 small business development experts, and other community
19 leaders. Not more than 6 members of the Authority may be of the
20 same political party. The Chairperson of the Authority shall be
21 designated by the Governor from among its public members.

22 (b) Six members of the Authority shall constitute a quorum.
23 However, when a quorum of members of the Authority is
24 physically present at the meeting site, other Authority members
25 may participate in and act at any meeting through the use of a
26 conference telephone or other communications equipment by

1 means of which all persons participating in the meeting can
2 hear each other. Participation in such meeting shall constitute
3 attendance and presence in person at the meeting of the person
4 or persons so participating. All official acts of the Authority
5 shall require the approval of at least 5 members.

6 (c) Of the members initially appointed by the Governor
7 pursuant to this Act, 3 shall serve until the third Monday in
8 January, 2004, 3 shall serve until the third Monday in January,
9 2005, and 3 shall serve until the third Monday in January, 2006
10 and all shall serve until their successors are appointed and
11 qualified. All successors shall hold office for a term of 3
12 years commencing on the third Monday in January of the year in
13 which their term commences, except in case of an appointment to
14 fill a vacancy. Each member appointed under this Section who is
15 confirmed by the Senate shall hold office during the specified
16 term and until his or her successor is appointed and qualified.
17 In case of vacancy in the office when the Senate is not in
18 session, the Governor may make a temporary appointment until
19 the next meeting of the Senate, when the Governor shall
20 nominate such person to fill the office, and any person so
21 nominated who is confirmed by the Senate, shall hold his or her
22 office during the remainder of the term and until his or her
23 successor is appointed and qualified.

24 (d) Members of the Authority shall not be entitled to
25 compensation for their services as members, but shall be
26 entitled to reimbursement for all necessary expenses incurred

1 in connection with the performance of their duties as members.

2 (e) The Governor may remove any public member of the
3 Authority in case of incompetency, neglect of duty, or
4 malfeasance in office, after service on the member of a copy of
5 the written charges against him or her and an opportunity to be
6 publicly heard in person or by counsel in his or her own
7 defense upon not less than 10 days notice.

8 (Source: P.A. 94-793, eff. 5-19-06.)

9 Section 9095. The Experimental Organ Transplantation
10 Procedures Act is amended by changing Section 4 as follows:

11 (20 ILCS 3935/4) (from Ch. 111 1/2, par. 6604)

12 Sec. 4. Determination of an individual transplant
13 candidate's eligibility. (a) The Board shall have until June
14 30, 1985 to organize, establish all of the necessary criteria
15 and operating procedures, and adopt such rules and regulations
16 as it deems necessary to screen and act on such applications as
17 it may receive under this Act.

18 (b) The Board shall begin screening applications
19 nominating Illinois residents who are potential or actual organ
20 transplant recipients after July 1, 1985, and who due to
21 limitations, exclusions or gaps in their accident and health
22 insurance or in federal, state, and local government medical
23 assistance programs, might be eligible to receive benefits from
24 funds appropriated to the Department of Public Health to cover

1 part or all of the expenses involved in undergoing an
2 experimental organ transplantation procedure. All such
3 applications must be in such form and contain such information
4 as the Board shall require, and must come directly from a
5 teaching hospital or affiliated medical center with an
6 established and proven experimental organ transplantation
7 program which exists for the purpose of treatment of human
8 subjects and which is formally affiliated with or part of a
9 school whose graduates are eligible for examination for
10 licensing pursuant to the statutes, rules and regulations
11 administered by the Department of Financial and Professional
12 Regulation, as the successor of the Department of Professional
13 Regulation, and whose graduates, if licensed, are eligible for
14 admission to the medical staff of an accredited hospital. In
15 the application the teaching hospital or affiliated medical
16 center must certify that the nominee is a viable candidate for
17 an organ transplant procedure, and has been medically approved
18 by their medical specialists in this field for this procedure.
19 All tests and applicable work-ups necessary to support such
20 conclusions shall have been completed at the time of the
21 application at no cost to the State of Illinois, and the
22 results of such tests and all other applicable medical records
23 concerning the nominee shall be forwarded to the Board for the
24 confidential use of its members and staff only. Such medical
25 records shall not be public records, and shall be maintained as
26 a separate part of each nominee's application file. Such

1 records and deliberations of the Board shall be privileged and
2 confidential in accordance with Sections 8-2101, 8-2102,
3 8-2103, 8-2104 and 8-2105 of the Code of Civil Procedure, as
4 amended, and such applications, records and deliberations of
5 the Board are exempt from the provisions of The Freedom of
6 Information Act. The application and supporting records must
7 document that the nominee was a legally domiciled resident of
8 this State at the time the pathophysiological state
9 necessitating the organ transplantation procedure was
10 originally identified, and that the nominee continues to be
11 legally domiciled in the State of Illinois.

12 (c) Screening of applications may be performed as often as
13 necessary and may be performed by any 3 members of the Board.

14 (d) Those applications deemed eligible by the screening
15 team shall be referred to the full Board for final
16 determination as to eligibility for state benefits and for
17 recommendation to the Director of Public Health as to the level
18 of benefits the nominee shall receive. However, in emergency
19 situations, a screening team may make a final determination as
20 to eligibility for state benefits.

21 All benefits shall cover all or part of the actual costs
22 of, rather than the billed charges for, the procedure, with no
23 more than 10 percent of the award being allocated to
24 professional fees.

25 (e) Any benefits which the Board recommends to be paid on
26 behalf of an eligible nominee shall be supplemental to any

1 health insurance benefits that individual is otherwise
2 entitled to, and no state benefits shall be paid to a hospital
3 or other provider until all other health insurance benefits for
4 that individual have been exhausted.

5 (f) Whenever the Board recommends, and the Director of
6 Public Health approves, payment of such benefits as are
7 authorized by this Act or the rules and regulations promulgated
8 hereunder shall be made from such appropriations as the General
9 Assembly may provide for this purpose to the Department of
10 Public Health. No one individual shall be eligible to receive
11 more than a total of \$200,000 under this Act.

12 The maximum level of payment recommended by the Board for
13 live donor acquisition charges shall be \$10,000. No payments
14 shall be made for complications or follow-up hospitalization
15 for a donor of an organ transplanted under this program.

16 (g) Meetings of the Board or any screening team for the
17 purpose of reviewing or discussing applications are exempt from
18 the Open Meetings Act; provided that those portions of meetings
19 at which final determinations are made shall be public
20 meetings.

21 (h) A transplantation institution located outside of the
22 State of Illinois shall not be approved for participation under
23 this program unless such institution is closer to the residence
24 of the patient than is any approved Illinois institution, or
25 unless the required procedure is offered at the out-of-state
26 institution and the procedure is not approved at any

1 institution located within the State.

2 (Source: P.A. 85-1209.)

3 Section 9100. The Geriatric Medicine Assistance Act is
4 amended by changing Section 2 as follows:

5 (20 ILCS 3945/2) (from Ch. 144, par. 2002)

6 Sec. 2. There is created the Geriatric Medicine Assistance
7 Commission. The Commission shall receive and approve
8 applications for grants from schools, recognized by the
9 Department of Financial and Professional Regulation as being
10 authorized to confer doctor of medicine, doctor of osteopathy,
11 doctor of chiropractic or registered professional nursing
12 degrees in the State, to help finance the establishment of
13 geriatric medicine programs within such schools. In
14 determining eligibility for grants, the Commission shall give
15 preference to those programs which exhibit the greatest
16 potential for directly benefiting the largest number of elderly
17 citizens in the State. The Commission may not approve the
18 application of any institution which is unable to demonstrate
19 its current financial stability and reasonable prospects for
20 future stability. No institution which fails to possess and
21 maintain an open policy with respect to race, creed, color and
22 sex as to admission of students, appointment of faculty and
23 employment of staff shall be eligible for grants under this
24 Act. The Commission shall establish such rules and standards as

1 it deems necessary for the implementation of this Act.

2 The Commission shall be composed of 8 members selected as
3 follows: 2 physicians licensed to practice under the Medical
4 Practice Act of 1987 and specializing in geriatric medicine; a
5 registered professional nurse licensed under the Nurse
6 Practice Act and specializing in geriatric health care; 2
7 representatives of organizations interested in geriatric
8 medicine or the care of the elderly; and 3 individuals 60 or
9 older who are interested in geriatric health care or the care
10 of the elderly. The members of the Commission shall be selected
11 by the Governor from a list of recommendations submitted to him
12 by organizations concerned with geriatric medicine or the care
13 of the elderly.

14 The terms of the members of the Commission shall be 4
15 years, except that of the members initially appointed, 2 shall
16 be designated to serve until January 1, 1986, 3 until January
17 1, 1988, and 2 until January 1, 1990. Members of the Commission
18 shall receive no compensation, but shall be reimbursed for
19 actual expenses incurred in carrying out their duties.

20 (Source: P.A. 95-639, eff. 10-5-07.)

21 Section 9102. The Health Care Justice Act is amended by
22 changing Section 20 as follows:

23 (20 ILCS 4045/20)

24 Sec. 20. Adequate Health Care Task Force. There is created

1 an Adequate Health Care Task Force. The Task Force shall
2 consist of 29 voting members appointed as follows: 5 shall be
3 appointed by the Governor; 6 shall be appointed by the
4 President of the Senate, 6 shall be appointed by the Minority
5 Leader of the Senate, 6 shall be appointed by the Speaker of
6 the House of Representatives, and 6 shall be appointed by the
7 Minority Leader of the House of Representatives. The Task Force
8 shall have a chairman and a vice-chairman who shall be elected
9 by the voting members at the first meeting of the Task Force.
10 The Director of Public Health or his or her designee, the
11 Director of Aging or his or her designee, the Director of
12 Healthcare and Family Services or his or her designee, the
13 Secretary of Financial and Professional Regulation (as the
14 successor to the Director of Insurance) or his or her designee,
15 and the Secretary of Human Services or his or her designee
16 shall represent their respective departments and shall be
17 invited to attend Task Force meetings, but shall not be members
18 of the Task Force. The members of the Task Force shall be
19 appointed within 30 days after the effective date of this Act.
20 The departments of State government represented on the Task
21 Force shall work cooperatively to provide administrative
22 support for the Task Force; the Department of Public Health
23 shall be the primary agency in providing that administrative
24 support.

25 (Source: P.A. 95-331, eff. 8-21-07.)

1 Section 9105. The State Finance Act is amended by changing
2 Sections 6q, 6z-26, 6z-38, 8.12, 8f, and 12-1 as follows:

3 (30 ILCS 105/6q) (from Ch. 127, par. 142q)

4 Sec. 6q. (a) All moneys received by the Department of
5 Central Management Services as an incident to the operation of
6 paper and printing warehouses, including fees received for wall
7 certificates from the Department of Professional Regulation,
8 or from the Department of Financial and Professional Regulation
9 in its capacity as the successor of the Department of
10 Professional Regulation, shall be paid into the paper and
11 printing revolving fund.

12 (b) All funds in the special wastepaper recycling account
13 in the State Surplus Property Revolving Fund not used or
14 designated for recycling expenses shall be paid into the Paper
15 and Printing Revolving Fund and held in a special account for
16 recycled paper expenses.

17 (Source: P.A. 85-1209; 85-1440.)

18 (30 ILCS 105/6z-26)

19 Sec. 6z-26. The Financial Institution Fund. All moneys
20 received by the Department of Financial and Professional
21 Regulation under the Safety Deposit License Act, the Foreign
22 Exchange License Act, the Pawnors Societies Act, the Sale of
23 Exchange Act, the Currency Exchange Act, the Sales Finance
24 Agency Act, the Debt Management Service Act, the Consumer

1 Installment Loan Act, the Illinois Development Credit
2 Corporation Act, the Title Insurance Act, and any other Act
3 administered by the Department of Financial and Professional
4 Regulation as the successor of the Department of Financial
5 Institutions now or in the future (unless an Act specifically
6 provides otherwise) shall be deposited in the Financial
7 Institution Fund (hereinafter "Fund"), a special fund that is
8 hereby created in the State Treasury.

9 Moneys in the Fund shall be used by the Department, subject
10 to appropriation, for expenses incurred in administering the
11 above named and referenced Acts.

12 The Comptroller and the State Treasurer shall transfer from
13 the General Revenue Fund to the Fund any monies received by the
14 Department after June 30, 1993, under any of the above named
15 and referenced Acts that have been deposited in the General
16 Revenue Fund.

17 As soon as possible after the end of each calendar year,
18 the Comptroller shall compare the balance in the Fund at the
19 end of the calendar year with the amount appropriated from the
20 Fund for the fiscal year beginning on July 1 of that calendar
21 year. If the balance in the Fund exceeds the amount
22 appropriated, the Comptroller and the State Treasurer shall
23 transfer from the Fund to the General Revenue Fund an amount
24 equal to the difference between the balance in the Fund and the
25 amount appropriated.

26 Nothing in this Section shall be construed to prohibit

1 appropriations from the General Revenue Fund for expenses
2 incurred in the administration of the above named and
3 referenced Acts.

4 Moneys in the Fund may be transferred to the Professions
5 Indirect Cost Fund, as authorized under Section 2105-300 of the
6 Department of Financial and Professional Regulation
7 (Professional Regulation) Law of the Civil Administrative Code
8 of Illinois.

9 (Source: P.A. 94-91, eff. 7-1-05.)

10 (30 ILCS 105/6z-38)

11 Sec. 6z-38. General Professions Dedicated Fund. The
12 General Professions Dedicated Fund is created in the State
13 treasury. Moneys in the Fund shall be invested and earnings on
14 the investments shall be retained in the Fund. Moneys in the
15 Fund shall be appropriated to the Department of Financial and
16 Professional Regulation for the ordinary and contingent
17 expenses of the Department. Moneys in the Fund may be
18 transferred to the Professions Indirect Cost Fund as authorized
19 by Section 2105-300 of the Department of Financial and
20 Professional Regulation (Professional Regulation) Law (20 ILCS
21 2105/2105-300).

22 (Source: P.A. 91-239, eff. 1-1-00.)

23 (30 ILCS 105/8.12) (from Ch. 127, par. 144.12)

24 Sec. 8.12. State Pensions Fund.

1 (a) The moneys in the State Pensions Fund shall be used
2 exclusively for the administration of the Uniform Disposition
3 of Unclaimed Property Act and for the payment of or repayment
4 to the General Revenue Fund a portion of the required State
5 contributions to the designated retirement systems.

6 "Designated retirement systems" means:

7 (1) the State Employees' Retirement System of
8 Illinois;

9 (2) the Teachers' Retirement System of the State of
10 Illinois;

11 (3) the State Universities Retirement System;

12 (4) the Judges Retirement System of Illinois; and

13 (5) the General Assembly Retirement System.

14 (b) Each year the General Assembly may make appropriations
15 from the State Pensions Fund for the administration of the
16 Uniform Disposition of Unclaimed Property Act.

17 Each month, the Secretary of Financial and Professional
18 Regulation ~~Commissioner of the Office of Banks and Real Estate~~
19 shall certify to the State Treasurer the actual expenditures
20 that the Department of Financial and Professional Regulation or
21 its predecessor, the Office of Banks and Real Estate, incurred
22 conducting unclaimed property examinations under the Uniform
23 Disposition of Unclaimed Property Act during the immediately
24 preceding month. Within a reasonable time following the
25 acceptance of such certification by the State Treasurer, the
26 State Treasurer shall pay from its appropriation from the State

1 Pensions Fund to the Bank and Trust Company Fund and the
2 Savings and Residential Finance Regulatory Fund an amount equal
3 to the expenditures incurred by each Fund for that month.

4 ~~Each month, the Director of Financial Institutions shall~~
5 ~~certify to the State Treasurer the actual expenditures that the~~
6 ~~Department of Financial Institutions incurred conducting~~
7 ~~unclaimed property examinations under the Uniform Disposition~~
8 ~~of Unclaimed Property Act during the immediately preceding~~
9 ~~month. Within a reasonable time following the acceptance of~~
10 ~~such certification by the State Treasurer, the State Treasurer~~
11 ~~shall pay from its appropriation from the State Pensions Fund~~
12 ~~to the Financial Institutions Fund and the Credit Union Fund an~~
13 ~~amount equal to the expenditures incurred by each Fund for that~~
14 ~~month.~~

15 (c) As soon as possible after the effective date of this
16 amendatory Act of the 93rd General Assembly, the General
17 Assembly shall appropriate from the State Pensions Fund (1) to
18 the State Universities Retirement System the amount certified
19 under Section 15-165 during the prior year, (2) to the Judges
20 Retirement System of Illinois the amount certified under
21 Section 18-140 during the prior year, and (3) to the General
22 Assembly Retirement System the amount certified under Section
23 2-134 during the prior year as part of the required State
24 contributions to each of those designated retirement systems;
25 except that amounts appropriated under this subsection (c) in
26 State fiscal year 2005 shall not reduce the amount in the State

1 Pensions Fund below \$5,000,000. If the amount in the State
2 Pensions Fund does not exceed the sum of the amounts certified
3 in Sections 15-165, 18-140, and 2-134 by at least \$5,000,000,
4 the amount paid to each designated retirement system under this
5 subsection shall be reduced in proportion to the amount
6 certified by each of those designated retirement systems.

7 (c-5) For fiscal year 2006 and thereafter, the General
8 Assembly shall appropriate from the State Pensions Fund to the
9 State Universities Retirement System the amount estimated to be
10 available during the fiscal year in the State Pensions Fund;
11 provided, however, that the amounts appropriated under this
12 subsection (c-5) shall not reduce the amount in the State
13 Pensions Fund below \$5,000,000.

14 (d) The Governor's Office of Management and Budget shall
15 determine the individual and total reserve deficiencies of the
16 designated retirement systems. For this purpose, the
17 Governor's Office of Management and Budget shall utilize the
18 latest available audit and actuarial reports of each of the
19 retirement systems and the relevant reports and statistics of
20 the Public Employee Pension Fund Division of the Department of
21 Financial and Professional Regulation Insurance.

22 (d-1) As soon as practicable after the effective date of
23 this amendatory Act of the 93rd General Assembly, the
24 Comptroller shall direct and the Treasurer shall transfer from
25 the State Pensions Fund to the General Revenue Fund, as funds
26 become available, a sum equal to the amounts that would have

1 been paid from the State Pensions Fund to the Teachers'
2 Retirement System of the State of Illinois, the State
3 Universities Retirement System, the Judges Retirement System
4 of Illinois, the General Assembly Retirement System, and the
5 State Employees' Retirement System of Illinois after the
6 effective date of this amendatory Act during the remainder of
7 fiscal year 2004 to the designated retirement systems from the
8 appropriations provided for in this Section if the transfers
9 provided in Section 6z-61 had not occurred. The transfers
10 described in this subsection (d-1) are to partially repay the
11 General Revenue Fund for the costs associated with the bonds
12 used to fund the moneys transferred to the designated
13 retirement systems under Section 6z-61.

14 (e) The changes to this Section made by this amendatory Act
15 of 1994 shall first apply to distributions from the Fund for
16 State fiscal year 1996.

17 (Source: P.A. 93-665, eff. 3-5-04; 93-839, eff. 7-30-04; 94-91,
18 eff. 7-1-05.)

19 (30 ILCS 105/8f)

20 Sec. 8f. Public Pension Regulation Fund. The Public Pension
21 Regulation Fund is created in the State Treasury. Except as
22 otherwise provided in the Illinois Pension Code, all money
23 received by the Department of Financial and Professional
24 Regulation, in its capacity as the successor of as successor to
25 the Illinois Department of Insurance, under the Illinois

1 Pension Code shall be paid into the Fund. Moneys in the Fund
2 may be transferred to the Professions Indirect Cost Fund, as
3 authorized under Section 2105-300 of the Department of
4 Professional Regulation Law of the Civil Administrative Code of
5 Illinois. The State Treasurer promptly shall invest the money
6 in the Fund, and all earnings that accrue on the money in the
7 Fund shall be credited to the Fund. Moneys in the Fund may be
8 transferred to the Professions Indirect Cost Fund as authorized
9 under Section 70 of the Department of Financial and
10 Professional Regulation Act. No other money may be transferred
11 from this Fund to any other fund. The General Assembly may make
12 appropriations from this Fund for the ordinary and contingent
13 expenses of the Public Pension Division of the Illinois
14 Department of Financial and Professional Regulation ~~Insurance~~.
15 (Source: P.A. 94-91, eff. 7-1-05.)

16 (30 ILCS 105/12-1) (from Ch. 127, par. 148-1)

17 Sec. 12-1. Travel control boards.

18 (a) The following travel control boards are created with
19 the members and jurisdiction set forth below:

20 (1) A Travel Control Board is created within the Office
21 of the Attorney General consisting of the Attorney General
22 as chairman and 2 members of his supervisory staff
23 appointed by him. The board shall have jurisdiction over
24 travel by employees of the office.

25 (2) A Travel Control Board is created within the Office

1 of the State Comptroller consisting of the Comptroller as
2 chairman and 2 members of his supervisory staff appointed
3 by him. The board shall have jurisdiction over travel by
4 employees of the office.

5 (3) The Higher Education Travel Control Board shall
6 consist of 11 members, one to be appointed by each of the
7 following: the Board of Trustees of the University of
8 Illinois, the Board of Trustees of Southern Illinois
9 University, the Board of Trustees of Chicago State
10 University, the Board of Trustees of Eastern Illinois
11 University, the Board of Trustees of Governors State
12 University, the Board of Trustees of Illinois State
13 University, the Board of Trustees of Northeastern Illinois
14 University, the Board of Trustees of Northern Illinois
15 University, the Board of Trustees of Western Illinois
16 University, the Illinois Community College Board and the
17 Illinois Board of Higher Education. Each member shall be an
18 officer, member or employee of the board making the
19 appointment, or of an institution governed or maintained by
20 such board. The board shall have jurisdiction over travel
21 by the Board of Higher Education, the Board of Trustees of
22 the University of Illinois, the Board of Trustees of
23 Southern Illinois University, the Board of Trustees of
24 Chicago State University, the Board of Trustees of Eastern
25 Illinois University, the Board of Trustees of Governors
26 State University, the Board of Trustees of Illinois State

1 University, the Board of Trustees of Northeastern Illinois
2 University, the Board of Trustees of Northern Illinois
3 University, the Board of Trustees of Western Illinois
4 University, the Illinois Community College Board, the
5 State Community College of East St. Louis, the Illinois
6 State Scholarship Commission, the State Universities
7 Retirement System, the University Civil Service Merit
8 Board, the Board of Trustees of the Illinois Mathematics
9 and Science Academy and all employees of the named Boards,
10 Commission and System and of the institutions governed or
11 maintained by the named Boards. The Higher Education Travel
12 Control Board shall select a chairman from among its
13 members.

14 (4) The Legislative Travel Control Board shall consist
15 of the following members serving ex-officio: The Auditor
16 General as chairman, the President and the Minority Leader
17 of the Senate and the Speaker and the Minority Leader of
18 the House of Representatives. The board shall have
19 jurisdiction over travel by employees of: the General
20 Assembly, legislative boards and commissions, the Office
21 of the Auditor General and all legislative agencies.

22 (5) A Travel Control Board is created within the Office
23 of the Lieutenant Governor consisting of the Lieutenant
24 Governor as chairman and 2 members of his supervisory staff
25 appointed by him. The board shall have jurisdiction over
26 travel by employees of the office. The Travel Control Board

1 within the office of the Lieutenant Governor is subject to
2 the provisions of Section 405-500 of the Department of
3 Central Management Services Law (20 ILCS 405/405-500).

4 (6) A Travel Control Board is created within the Office
5 of the Secretary of State consisting of the Secretary of
6 State as chairman, and 2 members of his supervisory staff
7 appointed by him. The board shall have jurisdiction over
8 travel by employees of the office.

9 (7) A Travel Control Board is created within the
10 Judicial Branch consisting of a chairman and 2 members
11 appointed by the Supreme Court. The board shall have
12 jurisdiction over travel by personnel of the Judicial
13 Branch, except the circuit courts and the judges.

14 (8) A Travel Control Board is created under the State
15 Board of Education, consisting of the State Superintendent
16 of Education as chairman, and 2 members of his supervisory
17 staff appointed by the State Board of Education. The Board
18 shall have jurisdiction over travel by employees of the
19 State Board of Education.

20 (9) A Travel Control Board is created within the Office
21 of the State Treasurer, consisting of the State Treasurer
22 as chairman and 2 members of his supervisory staff
23 appointed by him. The board shall have jurisdiction over
24 travel by employees of the office.

25 (10) A Governor's Travel Control Board is created
26 consisting of the Governor ex-officio as chairman, and 2

1 members appointed by the Governor. The board shall have
2 jurisdiction over travel by employees and officers of all
3 State agencies as defined in the Illinois State Auditing
4 Act, except for the following: judges, members of the
5 General Assembly, elected constitutional officers of the
6 State, the Auditor General, and personnel under the
7 jurisdiction of another travel control board created by
8 statute.

9 (a-5) The Secretary of Financial and Professional
10 Regulation ~~Commissioner of Banks and Real Estate~~, the Prisoner
11 Review Board, and the State Fire Marshal shall submit to the
12 Governor's Travel Control Board the quarterly reports required
13 by regulation pertaining to their employees reimbursed for
14 housing.

15 (b) Each travel control board created by this Section shall
16 meet at the call of the chairman at least quarterly to review
17 all vouchers, or a report thereof, for travel reimbursements
18 involving an exception to the State Travel Regulations and
19 Rates. Each travel control board shall prescribe the procedures
20 for submission of an information copy of vouchers involving an
21 exception to the general provisions established by the State
22 Travel Regulations and Reimbursement Rates.

23 (c) Any chairman or member of a travel control board may,
24 with the consent of the respective appointing official,
25 designate a deputy to serve in his place at any or all meetings
26 of the board. The designation shall be in writing and directed

1 to the chairman of the board.

2 (d) No member of a travel control board may receive
3 additional compensation for his service as a member.

4 (e) A report of the travel reimbursement claims reviewed by
5 each travel control board shall be submitted to the Legislative
6 Audit Commission at least once each quarter and that Commission
7 shall comment on all such reports in its annual reports to the
8 General Assembly.

9 (Source: P.A. 90-609, eff. 6-30-98; 91-239, eff. 1-1-00.)

10 Section 9110. The State Officers and Employees Money
11 Disposition Act is amended by changing Section 1 as follows:

12 (30 ILCS 230/1) (from Ch. 127, par. 170)

13 Sec. 1. Application of Act; exemptions. The officers of the
14 Executive Department of the State Government, the Clerk of the
15 Supreme Court, the Clerks of the Appellate Courts, the
16 Departments of the State government created by the Civil
17 Administrative Code of Illinois, and all other officers,
18 boards, commissions, commissioners, departments, institutions,
19 arms or agencies, or agents of the Executive Department of the
20 State government except the University of Illinois, Southern
21 Illinois University, Chicago State University, Eastern
22 Illinois University, Governors State University, Illinois
23 State University, Northeastern Illinois University, Northern
24 Illinois University, Western Illinois University, the

1 Cooperative Computer Center, and the Board of Trustees of the
2 Illinois Bank Examiners' Education Foundation for moneys
3 collected pursuant to subsection (11) of Section 48 of the
4 Illinois Banking Act for purposes of the Illinois Bank
5 Examiners' Education Program are subject to this Act. This Act
6 shall not apply, however, to any of the following: (i) the
7 receipt by any such officer of federal funds made available
8 under such conditions as precluded the payment thereof into the
9 State Treasury, (ii) (blank), (iii) the Secretary of Financial
10 and Professional Regulation ~~Director of Insurance~~ in his
11 capacity as rehabilitator or liquidator under Article XIII of
12 the Illinois Insurance Code, (iv) funds received by the
13 Illinois State Scholarship Commission from private firms
14 employed by the State to collect delinquent amounts due and
15 owing from a borrower on any loans guaranteed by such
16 Commission under the Higher Education Student Assistance Law or
17 on any "eligible loans" as that term is defined under the
18 Education Loan Purchase Program Law, or (v) moneys collected on
19 behalf of lessees of facilities of the Department of
20 Agriculture located on the Illinois State Fairgrounds at
21 Springfield and DuQuoin. This Section 1 shall not apply to the
22 receipt of funds required to be deposited in the Industrial
23 Project Fund pursuant to Section 12 of the Disabled Persons
24 Rehabilitation Act.

25 (Source: P.A. 92-850, eff. 8-26-02.)

1 Section 9115. The Public Funds Investment Act is amended by
2 changing Section 6 as follows:

3 (30 ILCS 235/6) (from Ch. 85, par. 906)

4 Sec. 6. Report of financial institutions.

5 (a) No bank shall receive any public funds unless it has
6 furnished the corporate authorities of a public agency
7 submitting a deposit with copies of the last two sworn
8 statements of resources and liabilities which the bank is
9 required to furnish to the Commissioner of Banks and Real
10 Estate or to the Comptroller of the Currency. Each bank
11 designated as a depository for public funds shall, while acting
12 as such depository, furnish the corporate authorities of a
13 public agency with a copy of all statements of resources and
14 liabilities which it is required to furnish to the Secretary of
15 Financial and Professional Regulation ~~Commissioner of Banks~~
16 ~~and Real Estate~~ or to the Comptroller of the Currency;
17 provided, that if such funds or moneys are deposited in a bank,
18 the amount of all such deposits not collateralized or insured
19 by an agency of the federal government shall not exceed 75% of
20 the capital stock and surplus of such bank, and the corporate
21 authorities of a public agency submitting a deposit shall not
22 be discharged from responsibility for any funds or moneys
23 deposited in any bank in excess of such limitation.

24 (b) No savings bank or savings and loan association shall
25 receive public funds unless it has furnished the corporate

1 authorities of a public agency submitting a deposit with copies
2 of the last 2 sworn statements of resources and liabilities
3 which the savings bank or savings and loan association is
4 required to furnish to the Secretary of Financial and
5 Professional Regulation ~~Commissioner of Banks and Real Estate~~
6 or the Federal Deposit Insurance Corporation. Each savings bank
7 or savings and loan association designated as a depository for
8 public funds shall, while acting as such depository, furnish
9 the corporate authorities of a public agency with a copy of all
10 statements of resources and liabilities which it is required to
11 furnish to the Secretary of Financial and Professional
12 Regulation ~~Commissioner of Banks and Real Estate~~ or the Federal
13 Deposit Insurance Corporation; provided, that if such funds or
14 moneys are deposited in a savings bank or savings and loan
15 association, the amount of all such deposits not collateralized
16 or insured by an agency of the federal government shall not
17 exceed 75% of the net worth of such savings bank or savings and
18 loan association as defined by the Federal Deposit Insurance
19 Corporation, and the corporate authorities of a public agency
20 submitting a deposit shall not be discharged from
21 responsibility for any funds or moneys deposited in any savings
22 bank or savings and loan association in excess of such
23 limitation.

24 (c) No credit union shall receive public funds unless it
25 has furnished the corporate authorities of a public agency
26 submitting a share deposit with copies of the last two reports

1 of examination prepared by or submitted to the Illinois
2 Department of Financial and Professional Regulation
3 ~~Institutions~~ or the National Credit Union Administration. Each
4 credit union designated as a depository for public funds shall,
5 while acting as such depository, furnish the corporate
6 authorities of a public agency with a copy of all reports of
7 examination prepared by or furnished to the Illinois Department
8 of Financial and Professional Regulation ~~Institutions~~ or the
9 National Credit Union Administration; provided that if such
10 funds or moneys are invested in a credit union account, the
11 amount of all such investments not collateralized or insured by
12 an agency of the federal government or other approved share
13 insurer shall not exceed 50% of the unimpaired capital and
14 surplus of such credit union, which shall include shares,
15 reserves and undivided earnings and the corporate authorities
16 of a public agency making an investment shall not be discharged
17 from responsibility for any funds or moneys invested in a
18 credit union in excess of such limitation.

19 (d) Whenever a public agency deposits any public funds in a
20 financial institution, the public agency may enter into an
21 agreement with the financial institution requiring any funds
22 not insured by the Federal Deposit Insurance Corporation or the
23 National Credit Union Administration or other approved share
24 insurer to be collateralized by any of the following classes of
25 securities, provided there has been no default in the payment
26 of principal or interest thereon:

1 (1) Bonds, notes, or other securities constituting
2 direct and general obligations of the United States, the
3 bonds, notes, or other securities constituting the direct
4 and general obligation of any agency or instrumentality of
5 the United States, the interest and principal of which is
6 unconditionally guaranteed by the United States, and
7 bonds, notes, or other securities or evidence of
8 indebtedness constituting the obligation of a U.S. agency
9 or instrumentality.

10 (2) Direct and general obligation bonds of the State of
11 Illinois or of any other state of the United States.

12 (3) Revenue bonds of this State or any authority,
13 board, commission, or similar agency thereof.

14 (4) Direct and general obligation bonds of any city,
15 town, county, school district, or other taxing body of any
16 state, the debt service of which is payable from general ad
17 valorem taxes.

18 (5) Revenue bonds of any city, town, county, or school
19 district of the State of Illinois.

20 (6) Obligations issued, assumed, or guaranteed by the
21 International Finance Corporation, the principal of which
22 is not amortized during the life of the obligation, but no
23 such obligation shall be accepted at more than 90% of its
24 market value.

25 (7) Illinois Affordable Housing Program Trust Fund
26 Bonds or Notes as defined in and issued pursuant to the

1 Illinois Housing Development Act.

2 (8) In an amount equal to at least market value of that
3 amount of funds deposited exceeding the insurance
4 limitation provided by the Federal Deposit Insurance
5 Corporation or the National Credit Union Administration or
6 other approved share insurer: (i) securities, (ii)
7 mortgages, (iii) letters of credit issued by a Federal Home
8 Loan Bank, or (iv) loans covered by a State Guarantee under
9 the Illinois Farm Development Act, if that guarantee has
10 been assumed by the Illinois Finance Authority under
11 Section 845-75 of the Illinois Finance Authority Act, and
12 loans covered by a State Guarantee under Article 830 of the
13 Illinois Finance Authority Act.

14 (9) Certificates of deposit or share certificates
15 issued to the depository institution pledging them as
16 security. The public agency may require security in the
17 amount of 125% of the value of the public agency deposit.
18 Such certificate of deposit or share certificate shall:

19 (i) be fully insured by the Federal Deposit
20 Insurance Corporation, the Federal Savings and Loan
21 Insurance Corporation, or the National Credit Union
22 Share Insurance Fund or issued by a depository
23 institution which is rated within the 3 highest
24 classifications established by at least one of the 2
25 standard rating services;

26 (ii) be issued by a financial institution having

1 assets of \$15,000,000 or more; and
2 (iii) be issued by either a savings and loan
3 association having a capital to asset ratio of at least
4 2%, by a bank having a capital to asset ratio of at
5 least 6% or by a credit union having a capital to asset
6 ratio of at least 4%.

7 The depository institution shall effect the assignment of
8 the certificate of deposit or share certificate to the public
9 agency and shall agree that, in the event the issuer of the
10 certificate fails to maintain the capital to asset ratio
11 required by this Section, such certificate of deposit or share
12 certificate shall be replaced by additional suitable security.

13 (e) The public agency may accept a system established by
14 the State Treasurer to aggregate permissible securities
15 received as collateral from financial institutions in a
16 collateral pool to secure public deposits of the institutions
17 that have pledged securities to the pool.

18 (f) The public agency may at any time declare any
19 particular security ineligible to qualify as collateral when,
20 in the public agency's judgment, it is deemed desirable to do
21 so.

22 (g) Notwithstanding any other provision of this Section, as
23 security a public agency may, at its discretion, accept a bond,
24 executed by a company authorized to transact the kinds of
25 business described in clause (g) of Section 4 of the Illinois
26 Insurance Code, in an amount not less than the amount of the

1 deposits required by this Section to be secured, payable to the
2 public agency for the benefit of the People of the unit of
3 government, in a form that is acceptable to the public agency.

4 (h) Paragraphs (a), (b), (c), (d), (e), (f), and (g) of
5 this Section do not apply to the University of Illinois,
6 Southern Illinois University, Chicago State University,
7 Eastern Illinois University, Governors State University,
8 Illinois State University, Northeastern Illinois University,
9 Northern Illinois University, Western Illinois University, the
10 Cooperative Computer Center and public community colleges.

11 (Source: P.A. 95-331, eff. 8-21-07.)

12 Section 9120. The Architectural, Engineering, and Land
13 Surveying Qualifications Based Selection Act is amended by
14 changing Section 5 as follows:

15 (30 ILCS 535/5) (from Ch. 127, par. 4151-5)

16 Sec. 5. State policy on procurement of architectural,
17 engineering, and land surveying services. It is the policy of
18 State agencies of this State to publicly announce all
19 requirements for architectural, engineering, and land
20 surveying services, to procure these services on the basis of
21 demonstrated competence and qualifications, to negotiate
22 contracts at fair and reasonable prices, and to authorize the
23 Department of Financial and Professional Regulation to enforce
24 the provisions of Section 65 of this Act.

1 (Source: P.A. 87-673.)

2 Section 9125. The Public Construction Bond Act is amended
3 by changing Section 3 as follows:

4 (30 ILCS 550/3)

5 Sec. 3. Builder or developer cash bond or other surety.

6 (a) A county or municipality may not require a cash bond,
7 irrevocable letter of credit, surety bond, or letter of
8 commitment issued by a bank, savings and loan association,
9 surety, or insurance company from a builder or developer to
10 guarantee completion of a project improvement when the builder
11 or developer has filed with the county or municipal clerk a
12 current, irrevocable letter of credit, surety bond, or letter
13 of commitment issued by a bank, savings and loan association,
14 surety, or insurance company, deemed good and sufficient by the
15 county or municipality accepting such security, in an amount
16 equal to or greater than 110% of the amount of the bid on each
17 project improvement. A builder or developer has the option to
18 utilize a cash bond, irrevocable letter of credit, surety bond,
19 or letter of commitment, issued by a bank, savings and loan
20 association, surety, or insurance company, deemed good and
21 sufficient by the county or municipality, to satisfy any cash
22 bond requirement established by a county or municipality.
23 Except for a municipality or county with a population of
24 1,000,000 or more, the county or municipality must approve and

1 deem a surety or insurance company good and sufficient for the
2 purposes set forth in this Section if the surety or insurance
3 company is authorized by the Illinois Department of Financial
4 and Professional Regulation ~~Insurance~~ to sell and issue
5 sureties in the State of Illinois.

6 (b) If a county or municipality receives a cash bond,
7 irrevocable letter of credit, or surety bond from a builder or
8 developer to guarantee completion of a project improvement, the
9 county or municipality shall (i) register the bond under the
10 address of the project and the construction permit number and
11 (ii) give the builder or developer a receipt for the bond. The
12 county or municipality shall establish and maintain a separate
13 account for all cash bonds received from builders and
14 developers to guarantee completion of a project improvement.

15 (c) The county or municipality shall refund a cash bond to
16 a builder or developer, or release the irrevocable letter of
17 credit or surety bond, within 60 days after the builder or
18 developer notifies the county or municipality in writing of the
19 completion of the project improvement for which the bond was
20 required. For these purposes, "completion" means that the
21 county or municipality has determined that the project
22 improvement for which the bond was required is complete or a
23 licensed engineer or licensed architect has certified to the
24 builder or developer and the county or municipality that the
25 project improvement has been completed to the applicable codes
26 and ordinances. The county or municipality shall pay interest

1 to the builder or developer, beginning 60 days after the
2 builder or developer notifies the county or municipality in
3 writing of the completion of the project improvement, on any
4 bond not refunded to a builder or developer, at the rate of 1%
5 per month.

6 (d) A home rule county or municipality may not require or
7 maintain cash bonds, irrevocable letters of credit, surety
8 bonds, or letters of commitment issued by a bank, savings and
9 loan association, surety, or insurance company from builders or
10 developers in a manner inconsistent with this Section. This
11 Section supercedes and controls over other provisions of the
12 Counties Code or Illinois Municipal Code as they apply to and
13 guarantee completion of a project improvement that is required
14 by the county or municipality, regardless of whether the
15 project improvement is a condition of annexation agreements.
16 This Section is a denial and limitation under subsection (i) of
17 Section 6 of Article VII of the Illinois Constitution on the
18 concurrent exercise by a home rule county or municipality of
19 powers and functions exercised by the State.

20 (Source: P.A. 92-479, eff. 1-1-02.)

21 Section 9130. The Illinois Income Tax Act is amended by
22 changing Section 304 as follows:

23 (35 ILCS 5/304) (from Ch. 120, par. 3-304)

24 Sec. 304. Business income of persons other than residents.

1 (a) In general. The business income of a person other than
2 a resident shall be allocated to this State if such person's
3 business income is derived solely from this State. If a person
4 other than a resident derives business income from this State
5 and one or more other states, then, for tax years ending on or
6 before December 30, 1998, and except as otherwise provided by
7 this Section, such person's business income shall be
8 apportioned to this State by multiplying the income by a
9 fraction, the numerator of which is the sum of the property
10 factor (if any), the payroll factor (if any) and 200% of the
11 sales factor (if any), and the denominator of which is 4
12 reduced by the number of factors other than the sales factor
13 which have a denominator of zero and by an additional 2 if the
14 sales factor has a denominator of zero. For tax years ending on
15 or after December 31, 1998, and except as otherwise provided by
16 this Section, persons other than residents who derive business
17 income from this State and one or more other states shall
18 compute their apportionment factor by weighting their
19 property, payroll, and sales factors as provided in subsection
20 (h) of this Section.

21 (1) Property factor.

22 (A) The property factor is a fraction, the numerator of
23 which is the average value of the person's real and
24 tangible personal property owned or rented and used in the
25 trade or business in this State during the taxable year and
26 the denominator of which is the average value of all the

1 person's real and tangible personal property owned or
2 rented and used in the trade or business during the taxable
3 year.

4 (B) Property owned by the person is valued at its
5 original cost. Property rented by the person is valued at 8
6 times the net annual rental rate. Net annual rental rate is
7 the annual rental rate paid by the person less any annual
8 rental rate received by the person from sub-rentals.

9 (C) The average value of property shall be determined
10 by averaging the values at the beginning and ending of the
11 taxable year but the Director may require the averaging of
12 monthly values during the taxable year if reasonably
13 required to reflect properly the average value of the
14 person's property.

15 (2) Payroll factor.

16 (A) The payroll factor is a fraction, the numerator of
17 which is the total amount paid in this State during the
18 taxable year by the person for compensation, and the
19 denominator of which is the total compensation paid
20 everywhere during the taxable year.

21 (B) Compensation is paid in this State if:

22 (i) The individual's service is performed entirely
23 within this State;

24 (ii) The individual's service is performed both
25 within and without this State, but the service
26 performed without this State is incidental to the

1 individual's service performed within this State; or

2 (iii) Some of the service is performed within this
3 State and either the base of operations, or if there is
4 no base of operations, the place from which the service
5 is directed or controlled is within this State, or the
6 base of operations or the place from which the service
7 is directed or controlled is not in any state in which
8 some part of the service is performed, but the
9 individual's residence is in this State.

10 (iv) Compensation paid to nonresident professional
11 athletes.

12 (a) General. The Illinois source income of a
13 nonresident individual who is a member of a
14 professional athletic team includes the portion of the
15 individual's total compensation for services performed
16 as a member of a professional athletic team during the
17 taxable year which the number of duty days spent within
18 this State performing services for the team in any
19 manner during the taxable year bears to the total
20 number of duty days spent both within and without this
21 State during the taxable year.

22 (b) Travel days. Travel days that do not involve
23 either a game, practice, team meeting, or other similar
24 team event are not considered duty days spent in this
25 State. However, such travel days are considered in the
26 total duty days spent both within and without this

1 State.

2 (c) Definitions. For purposes of this subpart
3 (iv):

4 (1) The term "professional athletic team"
5 includes, but is not limited to, any professional
6 baseball, basketball, football, soccer, or hockey
7 team.

8 (2) The term "member of a professional
9 athletic team" includes those employees who are
10 active players, players on the disabled list, and
11 any other persons required to travel and who travel
12 with and perform services on behalf of a
13 professional athletic team on a regular basis.
14 This includes, but is not limited to, coaches,
15 managers, and trainers.

16 (3) Except as provided in items (C) and (D) of
17 this subpart (3), the term "duty days" means all
18 days during the taxable year from the beginning of
19 the professional athletic team's official
20 pre-season training period through the last game
21 in which the team competes or is scheduled to
22 compete. Duty days shall be counted for the year in
23 which they occur, including where a team's
24 official pre-season training period through the
25 last game in which the team competes or is
26 scheduled to compete, occurs during more than one

1 tax year.

2 (A) Duty days shall also include days on
3 which a member of a professional athletic team
4 performs service for a team on a date that does
5 not fall within the foregoing period (e.g.,
6 participation in instructional leagues, the
7 "All Star Game", or promotional "caravans").
8 Performing a service for a professional
9 athletic team includes conducting training and
10 rehabilitation activities, when such
11 activities are conducted at team facilities.

12 (B) Also included in duty days are game
13 days, practice days, days spent at team
14 meetings, promotional caravans, preseason
15 training camps, and days served with the team
16 through all post-season games in which the team
17 competes or is scheduled to compete.

18 (C) Duty days for any person who joins a
19 team during the period from the beginning of
20 the professional athletic team's official
21 pre-season training period through the last
22 game in which the team competes, or is
23 scheduled to compete, shall begin on the day
24 that person joins the team. Conversely, duty
25 days for any person who leaves a team during
26 this period shall end on the day that person

1 leaves the team. Where a person switches teams
2 during a taxable year, a separate duty-day
3 calculation shall be made for the period the
4 person was with each team.

5 (D) Days for which a member of a
6 professional athletic team is not compensated
7 and is not performing services for the team in
8 any manner, including days when such member of
9 a professional athletic team has been
10 suspended without pay and prohibited from
11 performing any services for the team, shall not
12 be treated as duty days.

13 (E) Days for which a member of a
14 professional athletic team is on the disabled
15 list and does not conduct rehabilitation
16 activities at facilities of the team, and is
17 not otherwise performing services for the team
18 in Illinois, shall not be considered duty days
19 spent in this State. All days on the disabled
20 list, however, are considered to be included in
21 total duty days spent both within and without
22 this State.

23 (4) The term "total compensation for services
24 performed as a member of a professional athletic
25 team" means the total compensation received during
26 the taxable year for services performed:

1 (A) from the beginning of the official
2 pre-season training period through the last
3 game in which the team competes or is scheduled
4 to compete during that taxable year; and

5 (B) during the taxable year on a date which
6 does not fall within the foregoing period
7 (e.g., participation in instructional leagues,
8 the "All Star Game", or promotional caravans).

9 This compensation shall include, but is not
10 limited to, salaries, wages, bonuses as described
11 in this subpart, and any other type of compensation
12 paid during the taxable year to a member of a
13 professional athletic team for services performed
14 in that year. This compensation does not include
15 strike benefits, severance pay, termination pay,
16 contract or option year buy-out payments,
17 expansion or relocation payments, or any other
18 payments not related to services performed for the
19 team.

20 For purposes of this subparagraph, "bonuses"
21 included in "total compensation for services
22 performed as a member of a professional athletic
23 team" subject to the allocation described in
24 Section 302(c)(1) are: bonuses earned as a result
25 of play (i.e., performance bonuses) during the
26 season, including bonuses paid for championship,

1 playoff or "bowl" games played by a team, or for
2 selection to all-star league or other honorary
3 positions; and bonuses paid for signing a
4 contract, unless the payment of the signing bonus
5 is not conditional upon the signee playing any
6 games for the team or performing any subsequent
7 services for the team or even making the team, the
8 signing bonus is payable separately from the
9 salary and any other compensation, and the signing
10 bonus is nonrefundable.

11 (3) Sales factor.

12 (A) The sales factor is a fraction, the numerator of
13 which is the total sales of the person in this State during
14 the taxable year, and the denominator of which is the total
15 sales of the person everywhere during the taxable year.

16 (B) Sales of tangible personal property are in this
17 State if:

18 (i) The property is delivered or shipped to a
19 purchaser, other than the United States government,
20 within this State regardless of the f. o. b. point or
21 other conditions of the sale; or

22 (ii) The property is shipped from an office, store,
23 warehouse, factory or other place of storage in this
24 State and either the purchaser is the United States
25 government or the person is not taxable in the state of
26 the purchaser; provided, however, that premises owned

1 or leased by a person who has independently contracted
2 with the seller for the printing of newspapers,
3 periodicals or books shall not be deemed to be an
4 office, store, warehouse, factory or other place of
5 storage for purposes of this Section. Sales of tangible
6 personal property are not in this State if the seller
7 and purchaser would be members of the same unitary
8 business group but for the fact that either the seller
9 or purchaser is a person with 80% or more of total
10 business activity outside of the United States and the
11 property is purchased for resale.

12 (B-1) Patents, copyrights, trademarks, and similar
13 items of intangible personal property.

14 (i) Gross receipts from the licensing, sale, or
15 other disposition of a patent, copyright, trademark,
16 or similar item of intangible personal property are in
17 this State to the extent the item is utilized in this
18 State during the year the gross receipts are included
19 in gross income.

20 (ii) Place of utilization.

21 (I) A patent is utilized in a state to the
22 extent that it is employed in production,
23 fabrication, manufacturing, or other processing in
24 the state or to the extent that a patented product
25 is produced in the state. If a patent is utilized
26 in more than one state, the extent to which it is

1 utilized in any one state shall be a fraction equal
2 to the gross receipts of the licensee or purchaser
3 from sales or leases of items produced,
4 fabricated, manufactured, or processed within that
5 state using the patent and of patented items
6 produced within that state, divided by the total of
7 such gross receipts for all states in which the
8 patent is utilized.

9 (II) A copyright is utilized in a state to the
10 extent that printing or other publication
11 originates in the state. If a copyright is utilized
12 in more than one state, the extent to which it is
13 utilized in any one state shall be a fraction equal
14 to the gross receipts from sales or licenses of
15 materials printed or published in that state
16 divided by the total of such gross receipts for all
17 states in which the copyright is utilized.

18 (III) Trademarks and other items of intangible
19 personal property governed by this paragraph (B-1)
20 are utilized in the state in which the commercial
21 domicile of the licensee or purchaser is located.

22 (iii) If the state of utilization of an item of
23 property governed by this paragraph (B-1) cannot be
24 determined from the taxpayer's books and records or
25 from the books and records of any person related to the
26 taxpayer within the meaning of Section 267(b) of the

1 Internal Revenue Code, 26 U.S.C. 267, the gross
2 receipts attributable to that item shall be excluded
3 from both the numerator and the denominator of the
4 sales factor.

5 (B-2) Gross receipts from the license, sale, or other
6 disposition of patents, copyrights, trademarks, and
7 similar items of intangible personal property may be
8 included in the numerator or denominator of the sales
9 factor only if gross receipts from licenses, sales, or
10 other disposition of such items comprise more than 50% of
11 the taxpayer's total gross receipts included in gross
12 income during the tax year and during each of the 2
13 immediately preceding tax years; provided that, when a
14 taxpayer is a member of a unitary business group, such
15 determination shall be made on the basis of the gross
16 receipts of the entire unitary business group.

17 (C) For taxable years ending before December 31, 2008,
18 sales, other than sales governed by paragraphs (B), (B-1),
19 and (B-2), are in this State if:

20 (i) The income-producing activity is performed in
21 this State; or

22 (ii) The income-producing activity is performed
23 both within and without this State and a greater
24 proportion of the income-producing activity is
25 performed within this State than without this State,
26 based on performance costs.

1 (C-5) For taxable years ending on or after December 31,
2 2008, sales, other than sales governed by paragraphs (B),
3 (B-1), and (B-2), are in this State if the purchaser is in
4 this State or the sale is otherwise attributable to this
5 State's marketplace. The following examples are
6 illustrative:

7 (i) Sales from the sale or lease of real property
8 are in this State if the property is located in this
9 State.

10 (ii) Sales from the lease or rental of tangible
11 personal property are in this State if the property is
12 located in this State during the rental period. Sales
13 from the lease or rental of tangible personal property
14 that is characteristically moving property, including,
15 but not limited to, motor vehicles, rolling stock,
16 aircraft, vessels, or mobile equipment are in this
17 State to the extent that the property is used in this
18 State.

19 (iii) Sales of intangible personal property are in
20 this State if the purchaser realizes benefit from the
21 property in this State. If the purchaser realizes
22 benefit from the property both within and without this
23 State, the gross receipts from the sale shall be
24 divided among those states in which the taxpayer is
25 taxable in proportion to the benefit in each state. If
26 the proportionate benefit in this State cannot be

1 determined, the sale shall be excluded from both the
2 numerator and the denominator of the sales factor.

3 (iv) Sales of services are in this State if the
4 benefit of the service is realized in this State. If
5 the benefit of the service is realized both within and
6 without this State, the gross receipts from the sale
7 shall be divided among those states in which the
8 taxpayer is taxable in proportion to the benefit of
9 service realized in each state. If the proportionate
10 benefit in this State cannot be determined, the sale
11 shall be excluded from both the numerator and the
12 denominator of the sales factor. The Department may
13 adopt rules prescribing where the benefit of specific
14 types of service, including, but not limited to,
15 telecommunications, broadcast, cable, advertising,
16 publishing, and utility service, is realized.

17 (D) For taxable years ending on or after December 31,
18 1995, the following items of income shall not be included
19 in the numerator or denominator of the sales factor:
20 dividends; amounts included under Section 78 of the
21 Internal Revenue Code; and Subpart F income as defined in
22 Section 952 of the Internal Revenue Code. No inference
23 shall be drawn from the enactment of this paragraph (D) in
24 construing this Section for taxable years ending before
25 December 31, 1995.

26 (E) Paragraphs (B-1) and (B-2) shall apply to tax years

1 ending on or after December 31, 1999, provided that a
2 taxpayer may elect to apply the provisions of these
3 paragraphs to prior tax years. Such election shall be made
4 in the form and manner prescribed by the Department, shall
5 be irrevocable, and shall apply to all tax years; provided
6 that, if a taxpayer's Illinois income tax liability for any
7 tax year, as assessed under Section 903 prior to January 1,
8 1999, was computed in a manner contrary to the provisions
9 of paragraphs (B-1) or (B-2), no refund shall be payable to
10 the taxpayer for that tax year to the extent such refund is
11 the result of applying the provisions of paragraph (B-1) or
12 (B-2) retroactively. In the case of a unitary business
13 group, such election shall apply to all members of such
14 group for every tax year such group is in existence, but
15 shall not apply to any taxpayer for any period during which
16 that taxpayer is not a member of such group.

17 (b) Insurance companies.

18 (1) In general. Except as otherwise provided by
19 paragraph (2), business income of an insurance company for
20 a taxable year shall be apportioned to this State by
21 multiplying such income by a fraction, the numerator of
22 which is the direct premiums written for insurance upon
23 property or risk in this State, and the denominator of
24 which is the direct premiums written for insurance upon
25 property or risk everywhere. For purposes of this
26 subsection, the term "direct premiums written" means the

1 total amount of direct premiums written, assessments and
2 annuity considerations as reported for the taxable year on
3 the annual statement filed by the company with the
4 Secretary of Financial and Professional Regulation or the
5 Secretary's predecessor, the Illinois Director of
6 Insurance, in the form approved by the National Convention
7 of Insurance Commissioners or such other form as may be
8 prescribed in lieu thereof.

9 (2) Reinsurance. If the principal source of premiums
10 written by an insurance company consists of premiums for
11 reinsurance accepted by it, the business income of such
12 company shall be apportioned to this State by multiplying
13 such income by a fraction, the numerator of which is the
14 sum of (i) direct premiums written for insurance upon
15 property or risk in this State, plus (ii) premiums written
16 for reinsurance accepted in respect of property or risk in
17 this State, and the denominator of which is the sum of
18 (iii) direct premiums written for insurance upon property
19 or risk everywhere, plus (iv) premiums written for
20 reinsurance accepted in respect of property or risk
21 everywhere. For taxable years ending before December 31,
22 2008, for purposes of this paragraph, premiums written for
23 reinsurance accepted in respect of property or risk in this
24 State, whether or not otherwise determinable, may, at the
25 election of the company, be determined on the basis of the
26 proportion which premiums written for reinsurance accepted

1 from companies commercially domiciled in Illinois bears to
2 premiums written for reinsurance accepted from all
3 sources, or, alternatively, in the proportion which the sum
4 of the direct premiums written for insurance upon property
5 or risk in this State by each ceding company from which
6 reinsurance is accepted bears to the sum of the total
7 direct premiums written by each such ceding company for the
8 taxable year.

9 (c) Financial organizations.

10 (1) In general. For taxable years ending before
11 December 31, 2008, business income of a financial
12 organization shall be apportioned to this State by
13 multiplying such income by a fraction, the numerator of
14 which is its business income from sources within this
15 State, and the denominator of which is its business income
16 from all sources. For the purposes of this subsection, the
17 business income of a financial organization from sources
18 within this State is the sum of the amounts referred to in
19 subparagraphs (A) through (E) following, but excluding the
20 adjusted income of an international banking facility as
21 determined in paragraph (2):

22 (A) Fees, commissions or other compensation for
23 financial services rendered within this State;

24 (B) Gross profits from trading in stocks, bonds or
25 other securities managed within this State;

26 (C) Dividends, and interest from Illinois

1 customers, which are received within this State;

2 (D) Interest charged to customers at places of
3 business maintained within this State for carrying
4 debit balances of margin accounts, without deduction
5 of any costs incurred in carrying such accounts; and

6 (E) Any other gross income resulting from the
7 operation as a financial organization within this
8 State. In computing the amounts referred to in
9 paragraphs (A) through (E) of this subsection, any
10 amount received by a member of an affiliated group
11 (determined under Section 1504(a) of the Internal
12 Revenue Code but without reference to whether any such
13 corporation is an "includible corporation" under
14 Section 1504(b) of the Internal Revenue Code) from
15 another member of such group shall be included only to
16 the extent such amount exceeds expenses of the
17 recipient directly related thereto.

18 (2) International Banking Facility. For taxable years
19 ending before December 31, 2008:

20 (A) Adjusted Income. The adjusted income of an
21 international banking facility is its income reduced
22 by the amount of the floor amount.

23 (B) Floor Amount. The floor amount shall be the
24 amount, if any, determined by multiplying the income of
25 the international banking facility by a fraction, not
26 greater than one, which is determined as follows:

1 (i) The numerator shall be:

2 The average aggregate, determined on a
3 quarterly basis, of the financial organization's
4 loans to banks in foreign countries, to foreign
5 domiciled borrowers (except where secured
6 primarily by real estate) and to foreign
7 governments and other foreign official
8 institutions, as reported for its branches,
9 agencies and offices within the state on its
10 "Consolidated Report of Condition", Schedule A,
11 Lines 2.c., 5.b., and 7.a., which was filed with
12 the Federal Deposit Insurance Corporation and
13 other regulatory authorities, for the year 1980,
14 minus

15 The average aggregate, determined on a
16 quarterly basis, of such loans (other than loans of
17 an international banking facility), as reported by
18 the financial institution for its branches,
19 agencies and offices within the state, on the
20 corresponding Schedule and lines of the
21 Consolidated Report of Condition for the current
22 taxable year, provided, however, that in no case
23 shall the amount determined in this clause (the
24 subtrahend) exceed the amount determined in the
25 preceding clause (the minuend); and

26 (ii) the denominator shall be the average

1 aggregate, determined on a quarterly basis, of the
2 international banking facility's loans to banks in
3 foreign countries, to foreign domiciled borrowers
4 (except where secured primarily by real estate)
5 and to foreign governments and other foreign
6 official institutions, which were recorded in its
7 financial accounts for the current taxable year.

8 (C) Change to Consolidated Report of Condition and
9 in Qualification. In the event the Consolidated Report
10 of Condition which is filed with the Federal Deposit
11 Insurance Corporation and other regulatory authorities
12 is altered so that the information required for
13 determining the floor amount is not found on Schedule
14 A, lines 2.c., 5.b. and 7.a., the financial institution
15 shall notify the Department and the Department may, by
16 regulations or otherwise, prescribe or authorize the
17 use of an alternative source for such information. The
18 financial institution shall also notify the Department
19 should its international banking facility fail to
20 qualify as such, in whole or in part, or should there
21 be any amendment or change to the Consolidated Report
22 of Condition, as originally filed, to the extent such
23 amendment or change alters the information used in
24 determining the floor amount.

25 (3) For taxable years ending on or after December 31,
26 2008, the business income of a financial organization shall

1 be apportioned to this State by multiplying such income by
2 a fraction, the numerator of which is its gross receipts
3 from sources in this State or otherwise attributable to
4 this State's marketplace and the denominator of which is
5 its gross receipts everywhere during the taxable year.
6 "Gross receipts" for purposes of this subparagraph (3)
7 means gross income, including net taxable gain on
8 disposition of assets, including securities and money
9 market instruments, when derived from transactions and
10 activities in the regular course of the financial
11 organization's trade or business. If a person derives
12 business income from activities in addition to the
13 provision of financial services, this subparagraph (3)
14 shall apply only to its business income from financial
15 services, and its other business income shall be
16 apportioned to this State under the applicable provisions
17 of this Section. The following examples are illustrative:

18 (i) Receipts from the lease or rental of real or
19 tangible personal property are in this State if the
20 property is located in this State during the rental
21 period. Receipts from the lease or rental of tangible
22 personal property that is characteristically moving
23 property, including, but not limited to, motor
24 vehicles, rolling stock, aircraft, vessels, or mobile
25 equipment are from sources in this State to the extent
26 that the property is used in this State.

1 (ii) Interest income, commissions, fees, gains on
2 disposition, and other receipts from assets in the
3 nature of loans that are secured primarily by real
4 estate or tangible personal property are from sources
5 in this State if the security is located in this State.

6 (iii) Interest income, commissions, fees, gains on
7 disposition, and other receipts from consumer loans
8 that are not secured by real or tangible personal
9 property are from sources in this State if the debtor
10 is a resident of this State.

11 (iv) Interest income, commissions, fees, gains on
12 disposition, and other receipts from commercial loans
13 and installment obligations that are not secured by
14 real or tangible personal property are from sources in
15 this State if the proceeds of the loan are to be
16 applied in this State. If it cannot be determined where
17 the funds are to be applied, the income and receipts
18 are from sources in this State if the office of the
19 borrower from which the loan was negotiated in the
20 regular course of business is located in this State. If
21 the location of this office cannot be determined, the
22 income and receipts shall be excluded from the
23 numerator and denominator of the sales factor.

24 (v) Interest income, fees, gains on disposition,
25 service charges, merchant discount income, and other
26 receipts from credit card receivables are from sources

1 in this State if the card charges are regularly billed
2 to a customer in this State.

3 (vi) Receipts from the performance of services,
4 including, but not limited to, fiduciary, advisory,
5 and brokerage services, are in this State if the
6 benefit of the service is realized in this State. If
7 the benefit of the service is realized both within and
8 without this State, the gross receipts from the sale
9 shall be divided among those states in which the
10 taxpayer is taxable in proportion to the benefit of
11 service realized in each state. If the proportionate
12 benefit in this State cannot be determined, the sale
13 shall be excluded from both the numerator and the
14 denominator of the gross receipts factor.

15 (vii) Receipts from the issuance of travelers
16 checks and money orders are from sources in this State
17 if the checks and money orders are issued from a
18 location within this State.

19 (viii) In the case of a financial organization that
20 accepts deposits, receipts from investments and from
21 money market instruments are apportioned to this State
22 based on the ratio that the total deposits of the
23 financial organization (including all members of the
24 financial organization's unitary group) from this
25 State, its residents, (including businesses with an
26 office or other place of business in this State), and

1 its political subdivisions, agencies, and
2 instrumentalities bear to total deposits everywhere.
3 For purposes of this subdivision, deposits must be
4 attributed to this State under the preceding sentence,
5 whether or not the deposits are accepted or maintained
6 by the financial organization at locations within this
7 State. In the case of a financial organization that
8 does not accept deposits, receipts from investments in
9 securities and from money market instruments shall be
10 excluded from the numerator and the denominator of the
11 gross receipts factor.

12 (4) As used in subparagraph (3), "deposit" includes but
13 is not limited to:

14 (i) the unpaid balance of money or its equivalent
15 received or held by a financial institution in the
16 usual course of business and for which it has given or
17 is obligated to give credit, either conditionally or
18 unconditionally, to a commercial, checking, savings,
19 time, or thrift account whether or not advance notice
20 is required to withdraw the credited funds, or which is
21 evidenced by its certificate of deposit, thrift
22 certificate, investment certificate, or certificate of
23 indebtedness, or other similar name, or a check or
24 draft drawn against a deposit account and certified by
25 the financial organization, or a letter of credit or a
26 traveler's check on which the financial organization

1 is primarily liable. However, without limiting the
2 generality of the term "money or its equivalent", any
3 such account or instrument must be regarded as
4 evidencing the receipt of the equivalent of money when
5 credited or issued in exchange for checks or drafts or
6 for a promissory note upon which the person obtaining
7 the credit or instrument is primarily or secondarily
8 liable, or for a charge against a deposit account, or
9 in settlement of checks, drafts, or other instruments
10 forwarded to the bank for collection;

11 (ii) trust funds received or held by the financial
12 organization, whether held in the trust department or
13 held or deposited in any other department of the
14 financial organization;

15 (iii) money received or held by a financial
16 organization, or the credit given for money or its
17 equivalent received or held by a financial
18 organization, in the usual course of business for a
19 special or specific purpose, regardless of the legal
20 relationship so established. Under this paragraph,
21 "deposit" includes, but is not limited to, escrow
22 funds, funds held as security for an obligation due to
23 the financial organization or others, including funds
24 held as dealers reserves, or for securities loaned by
25 the financial organization, funds deposited by a
26 debtor to meet maturing obligations, funds deposited

1 as advance payment on subscriptions to United States
2 government securities, funds held for distribution or
3 purchase of securities, funds held to meet its
4 acceptances or letters of credit, and withheld taxes.
5 It does not include funds received by the financial
6 organization for immediate application to the
7 reduction of an indebtedness to the receiving
8 financial organization, or under condition that the
9 receipt of the funds immediately reduces or
10 extinguishes the indebtedness;

11 (iv) outstanding drafts, including advice of
12 another financial organization, cashier's checks,
13 money orders, or other officer's checks issued in the
14 usual course of business for any purpose, but not
15 including those issued in payment for services,
16 dividends, or purchases or other costs or expenses of
17 the financial organization itself; and

18 (v) money or its equivalent held as a credit
19 balance by a financial organization on behalf of its
20 customer if the entity is engaged in soliciting and
21 holding such balances in the regular course of its
22 business.

23 (5) As used in subparagraph (3), "money market
24 instruments" includes but is not limited to:

25 (i) Interest-bearing deposits, federal funds sold
26 and securities purchased under agreements to resell,

1 commercial paper, banker's acceptances, and purchased
2 certificates of deposit and similar instruments to the
3 extent that the instruments are reflected as assets
4 under generally accepted accounting principles.

5 "Securities" means corporate stock, bonds, and
6 other securities (including, for purposes of taxation
7 of gains on securities and for purchases under
8 agreements to resell, United States Treasury
9 securities, obligations of United States government
10 agencies and corporations, obligations of state and
11 political subdivisions, the interest on which is
12 exempt from Illinois income tax), participations in
13 securities backed by mortgages held by United States or
14 state government agencies, loan-backed securities, and
15 similar investments to the extent the investments are
16 reflected as assets under generally accepted
17 accounting principles.

18 (ii) For purposes of subparagraph (3), "money
19 market instruments" shall include investments in
20 investment partnerships, trusts, pools, funds,
21 investment companies, or any similar entity in
22 proportion to the investment of the entity in money
23 market instruments, and "securities" shall include
24 investments in investment partnerships, trusts, pools,
25 funds, investment companies, or any similar entity in
26 proportion to the investment of the entity in

1 securities.

2 (d) Transportation services. For taxable years ending
3 before December 31, 2008, business income derived from
4 furnishing transportation services shall be apportioned to
5 this State in accordance with paragraphs (1) and (2):

6 (1) Such business income (other than that derived from
7 transportation by pipeline) shall be apportioned to this
8 State by multiplying such income by a fraction, the
9 numerator of which is the revenue miles of the person in
10 this State, and the denominator of which is the revenue
11 miles of the person everywhere. For purposes of this
12 paragraph, a revenue mile is the transportation of 1
13 passenger or 1 net ton of freight the distance of 1 mile
14 for a consideration. Where a person is engaged in the
15 transportation of both passengers and freight, the
16 fraction above referred to shall be determined by means of
17 an average of the passenger revenue mile fraction and the
18 freight revenue mile fraction, weighted to reflect the
19 person's

20 (A) relative railway operating income from total
21 passenger and total freight service, as reported to the
22 Interstate Commerce Commission, in the case of
23 transportation by railroad, and

24 (B) relative gross receipts from passenger and
25 freight transportation, in case of transportation
26 other than by railroad.

1 (2) Such business income derived from transportation
2 by pipeline shall be apportioned to this State by
3 multiplying such income by a fraction, the numerator of
4 which is the revenue miles of the person in this State, and
5 the denominator of which is the revenue miles of the person
6 everywhere. For the purposes of this paragraph, a revenue
7 mile is the transportation by pipeline of 1 barrel of oil,
8 1,000 cubic feet of gas, or of any specified quantity of
9 any other substance, the distance of 1 mile for a
10 consideration.

11 (3) For taxable years ending on or after December 31,
12 2008, business income derived from providing
13 transportation services other than airline services shall
14 be apportioned to this State by using a fraction, (a) the
15 numerator of which shall be (i) all receipts from any
16 movement or shipment of people, goods, mail, oil, gas, or
17 any other substance (other than by airline) that both
18 originates and terminates in this State, plus (ii) that
19 portion of the person's gross receipts from movements or
20 shipments of people, goods, mail, oil, gas, or any other
21 substance (other than by airline) passing through, into, or
22 out of this State, that is determined by the ratio that the
23 miles traveled in this State bears to total miles from
24 point of origin to point of destination and (b) the
25 denominator of which shall be all revenue derived from the
26 movement or shipment of people, goods, mail, oil, gas, or

1 any other substance (other than by airline). If a person
2 derives business income from activities in addition to the
3 provision of transportation services (other than by
4 airline), this subsection shall apply only to its business
5 income from transportation services and its other business
6 income shall be apportioned to this State according to the
7 applicable provisions of this Section.

8 (4) For taxable years ending on or after December 31,
9 2008, business income derived from providing airline
10 services shall be apportioned to this State by using a
11 fraction, (a) the numerator of which shall be arrivals of
12 aircraft to and departures from this State weighted as to
13 cost of aircraft by type and (b) the denominator of which
14 shall be total arrivals and departures of aircraft weighted
15 as to cost of aircraft by type. If a person derives
16 business income from activities in addition to the
17 provision of airline services, this subsection shall apply
18 only to its business income from airline services and its
19 other business income shall be apportioned to this State
20 under the applicable provisions of this Section.

21 (e) Combined apportionment. Where 2 or more persons are
22 engaged in a unitary business as described in subsection
23 (a) (27) of Section 1501, a part of which is conducted in this
24 State by one or more members of the group, the business income
25 attributable to this State by any such member or members shall
26 be apportioned by means of the combined apportionment method.

1 (f) Alternative allocation. If the allocation and
2 apportionment provisions of subsections (a) through (e) and of
3 subsection (h) do not fairly represent the extent of a person's
4 business activity in this State, the person may petition for,
5 or the Director may, without a petition, permit or require, in
6 respect of all or any part of the person's business activity,
7 if reasonable:

8 (1) Separate accounting;

9 (2) The exclusion of any one or more factors;

10 (3) The inclusion of one or more additional factors
11 which will fairly represent the person's business
12 activities in this State; or

13 (4) The employment of any other method to effectuate an
14 equitable allocation and apportionment of the person's
15 business income.

16 (g) Cross reference. For allocation of business income by
17 residents, see Section 301(a).

18 (h) For tax years ending on or after December 31, 1998, the
19 apportionment factor of persons who apportion their business
20 income to this State under subsection (a) shall be equal to:

21 (1) for tax years ending on or after December 31, 1998
22 and before December 31, 1999, 16 2/3% of the property
23 factor plus 16 2/3% of the payroll factor plus 66 2/3% of
24 the sales factor;

25 (2) for tax years ending on or after December 31, 1999
26 and before December 31, 2000, 8 1/3% of the property factor

1 plus 8 1/3% of the payroll factor plus 83 1/3% of the sales
2 factor;

3 (3) for tax years ending on or after December 31, 2000,
4 the sales factor.

5 If, in any tax year ending on or after December 31, 1998 and
6 before December 31, 2000, the denominator of the payroll,
7 property, or sales factor is zero, the apportionment factor
8 computed in paragraph (1) or (2) of this subsection for that
9 year shall be divided by an amount equal to 100% minus the
10 percentage weight given to each factor whose denominator is
11 equal to zero.

12 (Source: P.A. 94-247, eff. 1-1-06; 95-233, eff. 8-16-07.)

13 Section 9135. The Property Tax Code is amended by changing
14 Section 15-65 as follows:

15 (35 ILCS 200/15-65)

16 Sec. 15-65. Charitable purposes. All property of the
17 following is exempt when actually and exclusively used for
18 charitable or beneficent purposes, and not leased or otherwise
19 used with a view to profit:

20 (a) Institutions of public charity.

21 (b) Beneficent and charitable organizations
22 incorporated in any state of the United States, including
23 organizations whose owner, and no other person, uses the
24 property exclusively for the distribution, sale, or resale

1 of donated goods and related activities and uses all the
2 income from those activities to support the charitable,
3 religious or beneficent activities of the owner, whether or
4 not such activities occur on the property.

5 (c) Old people's homes, facilities for persons with a
6 developmental disability, and not-for-profit organizations
7 providing services or facilities related to the goals of
8 educational, social and physical development, if, upon
9 making application for the exemption, the applicant
10 provides affirmative evidence that the home or facility or
11 organization is an exempt organization under paragraph (3)
12 of Section 501(c) of the Internal Revenue Code or its
13 successor, and either: (i) the bylaws of the home or
14 facility or not-for-profit organization provide for a
15 waiver or reduction, based on an individual's ability to
16 pay, of any entrance fee, assignment of assets, or fee for
17 services, or (ii) the home or facility is qualified, built
18 or financed under Section 202 of the National Housing Act
19 of 1959, as amended.

20 An applicant that has been granted an exemption under
21 this subsection on the basis that its bylaws provide for a
22 waiver or reduction, based on an individual's ability to
23 pay, of any entrance fee, assignment of assets, or fee for
24 services may be periodically reviewed by the Department to
25 determine if the waiver or reduction was a past policy or
26 is a current policy. The Department may revoke the

1 exemption if it finds that the policy for waiver or
2 reduction is no longer current.

3 If a not-for-profit organization leases property that
4 is otherwise exempt under this subsection to an
5 organization that conducts an activity on the leased
6 premises that would entitle the lessee to an exemption from
7 real estate taxes if the lessee were the owner of the
8 property, then the leased property is exempt.

9 (d) Not-for-profit health maintenance organizations
10 certified by the Secretary of Financial and Professional
11 Regulation or the Secretary's predecessor, the Director of
12 the Illinois Department of Insurance, under the Health
13 Maintenance Organization Act, including any health
14 maintenance organization that provides services to members
15 at prepaid rates approved by the Department of Financial
16 and Professional Regulation or the Illinois Department of
17 Insurance if the membership of the organization is
18 sufficiently large or of indefinite classes so that the
19 community is benefited by its operation. No exemption shall
20 apply to any hospital or health maintenance organization
21 which has been adjudicated by a court of competent
22 jurisdiction to have denied admission to any person because
23 of race, color, creed, sex or national origin.

24 (e) All free public libraries.

25 (f) Historical societies.

26 Property otherwise qualifying for an exemption under this

1 Section shall not lose its exemption because the legal title is
2 held (i) by an entity that is organized solely to hold that
3 title and that qualifies under paragraph (2) of Section 501(c)
4 of the Internal Revenue Code or its successor, whether or not
5 that entity receives rent from the charitable organization for
6 the repair and maintenance of the property, (ii) by an entity
7 that is organized as a partnership, in which the charitable
8 organization, or an affiliate or subsidiary of the charitable
9 organization, is a general partner, for the purposes of owning
10 and operating a residential rental property that has received
11 an allocation of Low Income Housing Tax Credits for 100% of the
12 dwelling units under Section 42 of the Internal Revenue Code of
13 1986, or (iii) for any assessment year including and subsequent
14 to January 1, 1996 for which an application for exemption has
15 been filed and a decision on which has not become final and
16 nonappealable, by a limited liability company organized under
17 the Limited Liability Company Act provided that (A) the limited
18 liability company receives a notification from the Internal
19 Revenue Service that it qualifies under paragraph (2) or (3) of
20 Section 501(c) of the Internal Revenue Code; (B) the limited
21 liability company's sole members, as that term is used in
22 Section 1-5 of the Limited Liability Company Act, are the
23 institutions of public charity that actually and exclusively
24 use the property for charitable and beneficent purposes; and
25 (C) the limited liability company does not lease the property
26 or otherwise use it with a view to profit.

1 (Source: P.A. 91-416, eff. 8-6-99; 92-382, eff. 8-16-01.)

2 Section 9140. The Illinois Pension Code is amended by
3 changing Sections 1-113.3, 1-113.4, 1-113.5, 1-113.6, 1-113.7,
4 1-113.11, 1A-101, 1A-102, 1A-104, 1A-105, 1A-107, 1A-111,
5 1A-112, 1A-113, 3-110, 4-118, 4-121, 5-188, 5-226, 6-184,
6 6-220, 13-711, 14-104, and 14-110 as follows:

7 (40 ILCS 5/1-113.3)

8 Sec. 1-113.3. List of additional permitted investments for
9 pension funds with net assets of \$2,500,000 or more.

10 (a) In addition to the items in Section 3-113.2, a pension
11 fund established under Article 3 or 4 that has net assets of at
12 least \$2,500,000 may invest a portion of its net assets in the
13 following items:

14 (1) Separate accounts that are managed by life
15 insurance companies authorized to transact business in
16 Illinois and are comprised of diversified portfolios
17 consisting of common or preferred stocks, bonds, or money
18 market instruments.

19 (2) Mutual funds that meet the following requirements:

20 (i) the mutual fund is managed by an investment
21 company as defined and registered under the federal
22 Investment Company Act of 1940 and registered under the
23 Illinois Securities Law of 1953;

24 (ii) the mutual fund has been in operation for at

1 least 5 years;

2 (iii) the mutual fund has total net assets of \$250
3 million or more; and

4 (iv) the mutual fund is comprised of diversified
5 portfolios of common or preferred stocks, bonds, or
6 money market instruments.

7 (b) A pension fund's total investment in the items
8 authorized under this Section shall not exceed 35% of the
9 market value of the pension fund's net present assets stated in
10 its most recent annual report on file with the Department of
11 Financial and Professional Regulation ~~the Illinois Department~~
12 ~~of Insurance.~~

13 (Source: P.A. 90-507, eff. 8-22-97.)

14 (40 ILCS 5/1-113.4)

15 Sec. 1-113.4. List of additional permitted investments for
16 pension funds with net assets of \$5,000,000 or more.

17 (a) In addition to the items in Sections 1-113.2 and
18 1-113.3, a pension fund established under Article 3 or 4 that
19 has net assets of at least \$5,000,000 and has appointed an
20 investment adviser under Section 1-113.5 may, through that
21 investment adviser, invest a portion of its assets in common
22 and preferred stocks authorized for investments of trust funds
23 under the laws of the State of Illinois. The stocks must meet
24 all of the following requirements:

25 (1) The common stocks are listed on a national

1 securities exchange or board of trade (as defined in the
2 federal Securities Exchange Act of 1934 and set forth in
3 Section 3.G of the Illinois Securities Law of 1953) or
4 quoted in the National Association of Securities Dealers
5 Automated Quotation System National Market System (NASDAQ
6 NMS).

7 (2) The securities are of a corporation created or
8 existing under the laws of the United States or any state,
9 district, or territory thereof and the corporation has been
10 in existence for at least 5 years.

11 (3) The corporation has not been in arrears on payment
12 of dividends on its preferred stock during the preceding 5
13 years.

14 (4) The market value of stock in any one corporation
15 does not exceed 5% of the cash and invested assets of the
16 pension fund, and the investments in the stock of any one
17 corporation do not exceed 5% of the total outstanding stock
18 of that corporation.

19 (5) The straight preferred stocks or convertible
20 preferred stocks are issued or guaranteed by a corporation
21 whose common stock qualifies for investment by the board.

22 (6) The issuer of the stocks has been subject to the
23 requirements of Section 12 of the federal Securities
24 Exchange Act of 1934 and has been current with the filing
25 requirements of Sections 13 and 14 of that Act during the
26 preceding 3 years.

1 (b) A pension fund's total investment in the items
2 authorized under this Section and Section 1-113.3 shall not
3 exceed 35% of the market value of the pension fund's net
4 present assets stated in its most recent annual report on file
5 with the Department of Financial and Professional Regulation
6 ~~the Illinois Department of Insurance.~~

7 (c) A pension fund that invests funds under this Section
8 shall electronically file with the Division any reports of its
9 investment activities that the Division may require, at the
10 times and in the format required by the Division.

11 (Source: P.A. 90-507, eff. 8-22-97.)

12 (40 ILCS 5/1-113.5)

13 Sec. 1-113.5. Investment advisers and investment services.

14 (a) The board of trustees of a pension fund may appoint
15 investment advisers as defined in Section 1-101.4. The board of
16 any pension fund investing in common or preferred stock under
17 Section 1-113.4 shall appoint an investment adviser before
18 making such investments.

19 The investment adviser shall be a fiduciary, as defined in
20 Section 1-101.2, with respect to the pension fund and shall be
21 one of the following:

22 (1) an investment adviser registered under the federal
23 Investment Advisers Act of 1940 and the Illinois Securities
24 Law of 1953;

25 (2) a bank or trust company authorized to conduct a

1 trust business in Illinois;

2 (3) a life insurance company authorized to transact
3 business in Illinois; or

4 (4) an investment company as defined and registered
5 under the federal Investment Company Act of 1940 and
6 registered under the Illinois Securities Law of 1953.

7 (b) All investment advice and services provided by an
8 investment adviser appointed under this Section shall be
9 rendered pursuant to a written contract between the investment
10 adviser and the board, and in accordance with the board's
11 investment policy.

12 The contract shall include all of the following:

13 (1) acknowledgement in writing by the investment
14 adviser that he or she is a fiduciary with respect to the
15 pension fund;

16 (2) the board's investment policy;

17 (3) full disclosure of direct and indirect fees,
18 commissions, penalties, and any other compensation that
19 may be received by the investment adviser, including
20 reimbursement for expenses; and

21 (4) a requirement that the investment adviser submit
22 periodic written reports, on at least a quarterly basis,
23 for the board's review at its regularly scheduled meetings.
24 All returns on investment shall be reported as net returns
25 after payment of all fees, commissions, and any other
26 compensation.

1 (c) Within 30 days after appointing an investment adviser,
2 the board shall submit a copy of the contract to the Department
3 of Financial and Professional Regulation ~~Insurance~~.

4 (d) Investment services provided by a person other than an
5 investment adviser appointed under this Section, including but
6 not limited to services provided by the kinds of persons listed
7 in items (1) through (4) of subsection (a), shall be rendered
8 only after full written disclosure of direct and indirect fees,
9 commissions, penalties, and any other compensation that shall
10 or may be received by the person rendering those services.

11 (e) The board of trustees of each pension fund shall retain
12 records of investment transactions in accordance with the rules
13 of the Department of Financial and Professional Regulation
14 ~~Insurance~~.

15 (Source: P.A. 90-507, eff. 8-22-97.)

16 (40 ILCS 5/1-113.6)

17 Sec. 1-113.6. Investment policies. Every board of trustees
18 of a pension fund shall adopt a written investment policy and
19 file a copy of that policy with the Department of Financial and
20 Professional Regulation ~~Insurance~~ within 30 days after its
21 adoption. Whenever a board changes its investment policy, it
22 shall file a copy of the new policy with the Department within
23 30 days.

24 (Source: P.A. 90-507, eff. 8-22-97.)

1 (40 ILCS 5/1-113.7)

2 Sec. 1-113.7. Registration of investments; custody and
3 safekeeping. The board of trustees may register the investments
4 of its pension fund in the name of the pension fund, in the
5 nominee name of a bank or trust company authorized to conduct a
6 trust business in Illinois, or in the nominee name of the
7 Illinois Public Treasurer's Investment Pool.

8 The assets of the pension fund and ownership of its
9 investments shall be protected through third-party custodial
10 safekeeping. The board of trustees may appoint as custodian of
11 the investments of its pension fund the treasurer of the
12 municipality, a bank or trust company authorized to conduct a
13 trust business in Illinois, or the Illinois Public Treasurer's
14 Investment Pool.

15 A dealer may not maintain possession of or control over
16 securities of a pension fund subject to the provisions of this
17 Section unless it is registered as a broker-dealer with the
18 U.S. Securities and Exchange Commission and is a member in good
19 standing of the National Association of Securities Dealers, and
20 (1) with respect to securities that are not issued only in
21 book-entry form, (A) all such securities of each fund are
22 either held in safekeeping in a place reasonably free from risk
23 of destruction or held in custody by a securities depository
24 that is a "clearing agency" registered with the U.S. Securities
25 and Exchange Commission, (B) the dealer is a member of the
26 Securities Investor Protection Corporation, (C) the dealer

1 sends to each fund, no less frequently than each calendar
2 quarter, an itemized statement showing the moneys and
3 securities in the custody or possession of the dealer at the
4 end of such period, and (D) an independent certified public
5 accountant conducts an audit, no less frequently than each
6 calendar year, that reviews the dealer's internal accounting
7 controls and procedures for safeguarding securities; and (2)
8 with respect to securities that are issued only in book-entry
9 form, (A) all such securities of each fund are held either in a
10 securities depository that is a "clearing agency" registered
11 with the U.S. Securities and Exchange Commission or in a bank
12 that is a member of the Federal Reserve System, (B) the dealer
13 records the ownership interest of the funds in such securities
14 on the dealer's books and records, (C) the dealer is a member
15 of the Securities Investor Protection Corporation, (D) the
16 dealer sends to each fund, no less frequently than each
17 calendar quarter, an itemized statement showing the moneys and
18 securities in the custody or possession of the dealer at the
19 end of such period, and (E) the dealer's financial statement
20 (which shall contain among other things a statement of the
21 dealer's net capital and its required net capital computed in
22 accordance with Rule 15c3-1 under the Securities Exchange Act
23 of 1934) is audited annually by an independent certified public
24 accountant, and the dealer's most recent audited financial
25 statement is furnished to the fund. No broker-dealer serving as
26 a custodian for any public pension fund as provided by this Act

1 shall be authorized to serve as an investment advisor for that
2 same public pension fund as described in Section 1-101.4 of
3 this Code, to the extent that the investment advisor acquires
4 or disposes of any asset of that same public pension fund.
5 Notwithstanding the foregoing, in no event may a broker or
6 dealer that is a natural person maintain possession of or
7 control over securities or other assets of a pension fund
8 subject to the provisions of this Section. In maintaining
9 securities of a pension fund subject to the provisions of this
10 Section, each dealer must maintain those securities in
11 conformity with the provisions of Rule 15c3-3(b) of the
12 Securities Exchange Act of 1934 (Physical Possession or Control
13 of Securities). The Secretary of Financial and Professional
14 Regulation ~~Director of the Department of Insurance~~ may adopt
15 such rules and regulations as shall be necessary and
16 appropriate in his or her judgment to effectuate the purposes
17 of this Section.

18 A bank or trust company authorized to conduct a trust
19 business in Illinois shall register, deposit, or hold
20 investments for safekeeping, all in accordance with the
21 obligations and subject to the limitations of the Securities in
22 Fiduciary Accounts Act.

23 (Source: P.A. 92-651, eff. 7-11-02.)

24 (40 ILCS 5/1-113.11)

25 Sec. 1-113.11. Rules. The Department of Financial and

1 Professional Regulation Insurance is authorized to promulgate
2 rules that are necessary or useful for the administration and
3 enforcement of Sections 1-113.1 through 1-113.10 of this
4 Article.

5 (Source: P.A. 90-507, eff. 8-22-97.)

6 (40 ILCS 5/1A-101)

7 Sec. 1A-101. Creation of Public Pension Division. There is
8 created in the Department of Financial and Professional
9 Regulation Insurance a Public Pension Division which, under the
10 supervision and direction of the Secretary of Financial and
11 Professional Regulation Director of Insurance, shall exercise
12 the powers and perform the duties and functions prescribed
13 under this Code. The Division shall consist of an
14 administrator, a supervisor, a technical staff trained in the
15 fundamentals of public pension fund planning, operations,
16 administration, and investment of public pension funds, and
17 such other personnel as may be necessary properly and
18 effectively to discharge the functions of the Division.

19 (Source: P.A. 90-507, eff. 8-22-97.)

20 (40 ILCS 5/1A-102)

21 Sec. 1A-102. Definitions. As used in this Article, the
22 following terms have the meanings ascribed to them in this
23 Section, unless the context otherwise requires:

24 "Accrued liability" means the actuarial present value of

1 future benefit payments and appropriate administrative
2 expenses under a plan, reduced by the actuarial present value
3 of all future normal costs (including any participant
4 contributions) with respect to the participants included in the
5 actuarial valuation of the plan.

6 "Actuarial present value" means the single amount, as of a
7 given valuation date, that results from applying actuarial
8 assumptions to an amount or series of amounts payable or
9 receivable at various times.

10 "Actuarial value of assets" means the value assigned by the
11 actuary to the assets of a plan for the purposes of an
12 actuarial valuation.

13 "Basis point" means 1/100th of one percent.

14 "Beneficiary" means a person eligible for or receiving
15 benefits from a pension fund as provided in the Article of this
16 Code under which the fund is established.

17 "Credited projected benefit" means that portion of a
18 participant's projected benefit based on an allocation taking
19 into account service to date determined in accordance with the
20 terms of the plan based on anticipated future compensation.

21 "Current value" means the fair market value when available;
22 otherwise, the fair value as determined in good faith by a
23 trustee, assuming an orderly liquidation at the time of the
24 determination.

25 "Department" means the Department of Financial and
26 Professional Regulation ~~Insurance~~ of the State of Illinois.

1 ~~"Director" means the Director of the Department of~~
2 ~~Insurance.~~

3 "Division" means the Public Pension Division of the
4 Department of Financial and Professional Regulation ~~Insurance.~~

5 "Governmental unit" means the State of Illinois, any
6 instrumentality or agency thereof (except transit authorities
7 or agencies operating within or within and without cities with
8 a population over 3,000,000), and any political subdivision or
9 municipal corporation that establishes and maintains a public
10 pension fund.

11 "Normal cost" means that part of the actuarial present
12 value of all future benefit payments and appropriate
13 administrative expenses assigned to the current year under the
14 actuarial valuation method used by the plan (excluding any
15 amortization of the unfunded accrued liability).

16 "Participant" means a participating member or deferred
17 pensioner or annuitant of a pension fund as provided in the
18 Article of this Code under which the pension fund is
19 established, or a beneficiary thereof.

20 "Pension fund" means any public pension fund, annuity and
21 benefit fund, or retirement system established under this Code.

22 "Plan year" means the calendar or fiscal year on which the
23 records of a given plan are kept.

24 "Projected benefits" means benefit amounts under a plan
25 which are expected to be paid at various future times under a
26 particular set of actuarial assumptions, taking into account,

1 as applicable, the effect of advancement in age and past and
2 anticipated future compensation and service credits.

3 "Secretary" means the Secretary of Financial and
4 Professional Regulation.

5 "Supplemental annual cost" means that portion of the
6 unfunded accrued liability assigned to the current year under
7 one of the following bases:

8 (1) interest only on the unfunded accrued liability;

9 (2) the level annual amount required to amortize the
10 unfunded accrued liability over a period not exceeding 40
11 years;

12 (3) the amount required for the current year to
13 amortize the unfunded accrued liability over a period not
14 exceeding 40 years as a level percentage of payroll.

15 "Total annual cost" means the sum of the normal cost plus
16 the supplemental annual cost.

17 "Unfunded accrued liability" means the excess of the
18 accrued liability over the actuarial value of the assets of a
19 plan.

20 "Vested pension benefit" means an interest obtained by a
21 participant or beneficiary in that part of an immediate or
22 deferred benefit under a plan which arises from the
23 participant's service and is not conditional upon the
24 participant's continued service for an employer any of whose
25 employees are covered under the plan, and which has not been
26 forfeited under the terms of the plan.

1 (Source: P.A. 90-507, eff. 8-22-97.)

2 (40 ILCS 5/1A-104)

3 Sec. 1A-104. Examinations and investigations.

4 (a) The Division shall make periodic examinations and
5 investigations of all pension funds established under this Code
6 and maintained for the benefit of employees and officers of
7 governmental units in the State of Illinois. However, in lieu
8 of making an examination and investigation, the Division may
9 accept and rely upon a report of audit or examination of any
10 pension fund made by an independent certified public accountant
11 pursuant to the provisions of the Article of this Code
12 governing the pension fund. The acceptance of the report of
13 audit or examination does not bar the Division from making a
14 further audit, examination, and investigation if deemed
15 necessary by the Division.

16 The Department may implement a flexible system of
17 examinations under which it directs resources as it deems
18 necessary or appropriate. In consultation with the pension fund
19 being examined, the Division may retain attorneys, independent
20 actuaries, independent certified public accountants, and other
21 professionals and specialists as examiners, the cost of which
22 (except in the case of pension funds established under Article
23 3 or 4) shall be borne by the pension fund that is the subject
24 of the examination.

25 (b) The Division shall examine or investigate each pension

1 fund established under Article 3 or Article 4 of this Code.

2 Each examination shall include the following:

3 (1) an audit of financial transactions, investment
4 policies, and procedures;

5 (2) an examination of books, records, documents,
6 files, and other pertinent memoranda relating to
7 financial, statistical, and administrative operations;

8 (3) a review of policies and procedures maintained for
9 the administration and operation of the pension fund;

10 (4) a determination of whether or not full effect is
11 being given to the statutory provisions governing the
12 operation of the pension fund;

13 (5) a determination of whether or not the
14 administrative policies in force are in accord with the
15 purposes of the statutory provisions and effectively
16 protect and preserve the rights and equities of the
17 participants; and

18 (6) a determination of whether or not proper financial
19 and statistical records have been established and adequate
20 documentary evidence is recorded and maintained in support
21 of the several types of annuity and benefit payments being
22 made.

23 In addition, the Division may conduct investigations,
24 which shall be identified as such and which may include one or
25 more of the items listed in this subsection.

26 A copy of the report of examination or investigation as

1 prepared by the Division shall be submitted to the secretary of
2 the board of trustees of the pension fund examined or
3 investigated. The Secretary ~~Director~~, upon request, shall
4 grant a hearing to the officers or trustees of the pension fund
5 or their duly appointed representatives, upon any facts
6 contained in the report of examination. The hearing shall be
7 conducted before filing the report or making public any
8 information contained in the report. The Secretary ~~Director~~ may
9 withhold the report from public inspection for up to 60 days
10 following the hearing.

11 (Source: P.A. 90-507, eff. 8-22-97.)

12 (40 ILCS 5/1A-105)

13 Sec. 1A-105. Examination and subpoena of records and
14 witnesses. The Secretary ~~Director~~ may administer oaths and
15 affirmations and summon and compel the attendance before him or
16 her and examine under oath any officer, trustee, agent,
17 actuary, attorney, or employee connected either directly or
18 indirectly with any pension fund, or any other person having
19 information regarding the condition, affairs, management,
20 administration, or methods of conducting a pension fund. The
21 Secretary ~~Director~~ may require any person having possession of
22 any record, book, paper, contract, or other document pertaining
23 to a pension fund to surrender it or to otherwise afford the
24 Secretary ~~Director~~ access to it and for failure so to do the
25 Secretary ~~Director~~ may attach the same.

1 Should any person fail to obey the summons of the Secretary
2 ~~Director~~ or refuse to surrender to him or her or afford him or
3 her access to any such record, book, paper, contract, or other
4 document, the Secretary ~~Director~~ may apply to the circuit court
5 of the county in which the principal office of the pension fund
6 involved is located, and the court, if it finds that the
7 Secretary ~~Director~~ has not exceeded his or her authority in the
8 matter, may, by order duly entered, require the attendance of
9 witnesses and the production of all relevant documents required
10 by the Secretary ~~Director~~ in carrying out his or her
11 responsibilities under this Code. Upon refusal or neglect to
12 obey the order of the court, the court may compel obedience by
13 proceedings for contempt of court.

14 (Source: P.A. 90-507, eff. 8-22-97.)

15 (40 ILCS 5/1A-107)

16 Sec. 1A-107. Automation of services. The Division shall
17 automate its operations, services, and communications to the
18 fullest practical extent. This automation shall include, but
19 need not be limited to, the acquisition, use, and maintenance
20 of electronic data processing technology to (i) automate
21 Division operations as necessary to carry out its duties and
22 responsibilities under this Code, (ii) provide by FY 2000
23 electronic exchange of information between the Division and
24 pension funds subject to this Code, (iii) provide to pension
25 funds and the general public and receive from pension funds and

1 the general public data on computer processible media, and (iv)
2 control access to information when necessary to protect the
3 confidentiality of persons identified in the information.

4 The Division shall ensure that this automation is designed
5 so as to protect any confidential data it may receive from a
6 pension fund. This Section does not authorize the Division or
7 the Department ~~of Insurance~~ to disclose any information
8 identifying specific pension fund participants or relating to
9 an identifiable pension fund participant.

10 (Source: P.A. 90-507, eff. 8-22-97.)

11 (40 ILCS 5/1A-111)

12 Sec. 1A-111. Actuarial statements by pension funds
13 established under Article 3 or 4.

14 (a) Each pension fund established under Article 3 or 4 of
15 this Code shall include as part of its annual statement a
16 complete actuarial statement applicable to the plan year.

17 If the actuarial statement is prepared by a person other
18 than the Department, it shall be filed with the Division within
19 9 months after the close of the fiscal year of the pension
20 fund. Any pension fund that fails to file within that time
21 shall be subject to the penalty provisions of Section 1A-113.
22 The statement shall be prepared by or under the supervision of
23 a qualified actuary, signed by the qualified actuary, and
24 contain such information as the Division may by rule require.

25 (b) For the purposes of this Section, "qualified actuary"

1 means (i) a member of the American Academy of Actuaries, or
2 (ii) an individual who has demonstrated to the satisfaction of
3 the Secretary ~~Director~~ that he or she has the educational
4 background necessary for the practice of actuarial science and
5 has at least 7 years of actuarial experience.

6 (Source: P.A. 90-507, eff. 8-22-97.)

7 (40 ILCS 5/1A-112)

8 Sec. 1A-112. Fees.

9 (a) Every pension fund that is required to file an annual
10 statement under Section 1A-109 shall pay to the Department an
11 annual compliance fee. In the case of a pension fund under
12 Article 3 or 4 of this Code, the annual compliance fee shall be
13 0.02% (2 basis points) of the total assets of the pension fund,
14 as reported in the most current annual statement of the fund,
15 but not more than \$8,000. In the case of all other pension
16 funds and retirement systems, the annual compliance fee shall
17 be \$8,000.

18 (b) The annual compliance fee shall be due on June 30 for
19 the following State fiscal year, except that the fee payable in
20 1997 for fiscal year 1998 shall be due no earlier than 30 days
21 following the effective date of this amendatory Act of 1997.

22 (c) Any information obtained by the Division that is
23 available to the public under the Freedom of Information Act
24 and is either compiled in published form or maintained on a
25 computer processible medium shall be furnished upon the written

1 request of any applicant and the payment of a reasonable
2 information services fee established by the Secretary
3 ~~Director~~, sufficient to cover the total cost to the Division of
4 compiling, processing, maintaining, and generating the
5 information. The information may be furnished by means of
6 published copy or on a computer processed or computer
7 processible medium.

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

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

13 (e) Fees collected under subsection (c) of this Section and
14 money collected under Section 1A-107 shall be deposited into
15 the Department's Statistical Services Revolving Fund and
16 credited to the account of the Public Pension Division. This
17 income shall be used exclusively for the purposes set forth in
18 Section 1A-107. Notwithstanding the provisions of Section
19 408.2 of the Illinois Insurance Code, no surplus funds
20 remaining in this account shall be deposited in the Insurance
21 Financial Regulation Fund. All money in this account that the
22 Secretary ~~Director~~ certifies is not needed for the purposes set
23 forth in Section 1A-107 of this Code shall be transferred to
24 the Public Pension Regulation Fund.

25 (f) Nothing in this Code prohibits the General Assembly
26 from appropriating funds from the General Revenue Fund to the

1 Department for the purpose of administering or enforcing this
2 Code.

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

4 (40 ILCS 5/1A-113)

5 Sec. 1A-113. Penalties.

6 (a) A pension fund that fails, without just cause, to file
7 its annual statement within the time prescribed under Section
8 1A-109 shall pay to the Department a penalty to be determined
9 by the Department, which shall not exceed \$100 for each day's
10 delay.

11 (b) A pension fund that fails, without just cause, to file
12 its actuarial statement within the time prescribed under
13 Section 1A-110 or 1A-111 shall pay to the Department a penalty
14 to be determined by the Department, which shall not exceed \$100
15 for each day's delay.

16 (c) A pension fund that fails to pay a fee within the time
17 prescribed under Section 1A-112 shall pay to the Department a
18 penalty of 5% of the amount of the fee for each month or part of
19 a month that the fee is late. The entire penalty shall not
20 exceed 25% of the fee due.

21 (d) This subsection applies to any governmental unit, as
22 defined in Section 1A-102, that is subject to any law
23 establishing a pension fund or retirement system for the
24 benefit of employees of the governmental unit.

25 Whenever the Division determines by examination,

1 investigation, or in any other manner that the governing body
2 or any elected or appointed officer or official of a
3 governmental unit has failed to comply with any provision of
4 that law:

5 (1) The Secretary ~~Director~~ shall notify in writing the
6 governing body, officer, or official of the specific
7 provision or provisions of the law with which the person
8 has failed to comply.

9 (2) Upon receipt of the notice, the person notified
10 shall take immediate steps to comply with the provisions of
11 law specified in the notice.

12 (3) If the person notified fails to comply within a
13 reasonable time after receiving the notice, the Secretary
14 ~~Director~~ may hold a hearing at which the person notified
15 may show cause for noncompliance with the law.

16 (4) If upon hearing the Secretary ~~Director~~ determines
17 that good and sufficient cause for noncompliance has not
18 been shown, the Secretary ~~Director~~ may order the person to
19 submit evidence of compliance within a specified period of
20 not less than 30 days.

21 (5) If evidence of compliance has not been submitted to
22 the Secretary ~~Director~~ within the period of time prescribed
23 in the order and no administrative appeal from the order
24 has been initiated, the Secretary ~~Director~~ may assess a
25 civil penalty of up to \$2,000 against the governing body,
26 officer, or official for each noncompliance with an order

1 of the Secretary ~~Director~~.

2 The Secretary ~~Director~~ shall develop by rule, with as much
3 specificity as practicable, the standards and criteria to be
4 used in assessing penalties and their amounts. The standards
5 and criteria shall include, but need not be limited to,
6 consideration of evidence of efforts made in good faith to
7 comply with applicable legal requirements. This rulemaking is
8 subject to the provisions of the Illinois Administrative
9 Procedure Act.

10 If a penalty is not paid within 30 days of the date of
11 assessment, the Secretary ~~Director~~ without further notice
12 shall report the act of noncompliance to the Attorney General
13 of this State. It shall be the duty of the Attorney General or,
14 if the Attorney General so designates, the State's Attorney of
15 the county in which the governmental unit is located to apply
16 promptly by complaint on relation of the Secretary of Financial
17 and Professional Regulation ~~Director of Insurance~~ in the name
18 of the people of the State of Illinois, as plaintiff, to the
19 circuit court of the county in which the governmental unit is
20 located for enforcement of the penalty prescribed in this
21 subsection or for such additional relief as the nature of the
22 case and the interest of the employees of the governmental unit
23 or the public may require.

24 (e) Whoever knowingly makes a false certificate, entry, or
25 memorandum upon any of the books or papers pertaining to any
26 pension fund or upon any statement, report, or exhibit filed or

1 offered for file with the Division or the Secretary ~~Director of~~
2 ~~Insurance~~ in the course of any examination, inquiry, or
3 investigation, with intent to deceive the Secretary ~~Director~~,
4 the Division, or any of its employees is guilty of a Class A
5 misdemeanor.

6 (Source: P.A. 90-507, eff. 8-22-97.)

7 (40 ILCS 5/3-110) (from Ch. 108 1/2, par. 3-110)

8 Sec. 3-110. Creditable service.

9 (a) "Creditable service" is the time served by a police
10 officer as a member of a regularly constituted police force of
11 a municipality. In computing creditable service furloughs
12 without pay exceeding 30 days shall not be counted, but all
13 leaves of absence for illness or accident, regardless of
14 length, and all periods of disability retirement for which a
15 police officer has received no disability pension payments
16 under this Article shall be counted.

17 (a-5) Up to 3 years of time during which the police officer
18 receives a disability pension under Section 3-114.1, 3-114.2,
19 3-114.3, or 3-114.6 shall be counted as creditable service,
20 provided that (i) the police officer returns to active service
21 after the disability for a period at least equal to the period
22 for which credit is to be established and (ii) the police
23 officer makes contributions to the fund based on the rates
24 specified in Section 3-125.1 and the salary upon which the
25 disability pension is based. These contributions may be paid at

1 any time prior to the commencement of a retirement pension. The
2 police officer may, but need not, elect to have the
3 contributions deducted from the disability pension or to pay
4 them in installments on a schedule approved by the board. If
5 not deducted from the disability pension, the contributions
6 shall include interest at the rate of 6% per year, compounded
7 annually, from the date for which service credit is being
8 established to the date of payment. If contributions are paid
9 under this subsection (a-5) in excess of those needed to
10 establish the credit, the excess shall be refunded. This
11 subsection (a-5) applies to persons receiving a disability
12 pension under Section 3-114.1, 3-114.2, 3-114.3, or 3-114.6 on
13 the effective date of this amendatory Act of the 91st General
14 Assembly, as well as persons who begin to receive such a
15 disability pension after that date.

16 (b) Creditable service includes all periods of service in
17 the military, naval or air forces of the United States entered
18 upon while an active police officer of a municipality, provided
19 that upon applying for a permanent pension, and in accordance
20 with the rules of the board, the police officer pays into the
21 fund the amount the officer would have contributed if he or she
22 had been a regular contributor during such period, to the
23 extent that the municipality which the police officer served
24 has not made such contributions in the officer's behalf. The
25 total amount of such creditable service shall not exceed 5
26 years, except that any police officer who on July 1, 1973 had

1 more than 5 years of such creditable service shall receive the
2 total amount thereof.

3 (c) Creditable service also includes service rendered by a
4 police officer while on leave of absence from a police
5 department to serve as an executive of an organization whose
6 membership consists of members of a police department, subject
7 to the following conditions: (i) the police officer is a
8 participant of a fund established under this Article with at
9 least 10 years of service as a police officer; (ii) the police
10 officer received no credit for such service under any other
11 retirement system, pension fund, or annuity and benefit fund
12 included in this Code; (iii) pursuant to the rules of the board
13 the police officer pays to the fund the amount he or she would
14 have contributed had the officer been an active member of the
15 police department; and (iv) the organization pays a
16 contribution equal to the municipality's normal cost for that
17 period of service.

18 (d) (1) Creditable service also includes periods of
19 service originally established in another police pension
20 fund under this Article or in the Fund established under
21 Article 7 of this Code for which (i) the contributions have
22 been transferred under Section 3-110.7 or Section 7-139.9
23 and (ii) any additional contribution required under
24 paragraph (2) of this subsection has been paid in full in
25 accordance with the requirements of this subsection (d).

26 (2) If the board of the pension fund to which

1 creditable service and related contributions are
2 transferred under Section 3-110.7 or 7-139.9 determines
3 that the amount transferred is less than the true cost to
4 the pension fund of allowing that creditable service to be
5 established, then in order to establish that creditable
6 service the police officer must pay to the pension fund,
7 within the payment period specified in paragraph (3) of
8 this subsection, an additional contribution equal to the
9 difference, as determined by the board in accordance with
10 the rules and procedures adopted under paragraph (6) of
11 this subsection.

12 (3) Except as provided in paragraph (4), the additional
13 contribution must be paid to the board (i) within 5 years
14 from the date of the transfer of contributions under
15 Section 3-110.7 or 7-139.9 and (ii) before the police
16 officer terminates service with the fund. The additional
17 contribution may be paid in a lump sum or in accordance
18 with a schedule of installment payments authorized by the
19 board.

20 (4) If the police officer dies in service before
21 payment in full has been made and before the expiration of
22 the 5-year payment period, the surviving spouse of the
23 officer may elect to pay the unpaid amount on the officer's
24 behalf within 6 months after the date of death, in which
25 case the creditable service shall be granted as though the
26 deceased police officer had paid the remaining balance on

1 the day before the date of death.

2 (5) If the additional contribution is not paid in full
3 within the required time, the creditable service shall not
4 be granted and the police officer (or the officer's
5 surviving spouse or estate) shall be entitled to receive a
6 refund of (i) any partial payment of the additional
7 contribution that has been made by the police officer and
8 (ii) those portions of the amounts transferred under
9 subdivision (a)(1) of Section 3-110.7 or subdivisions
10 (a)(1) and (a)(3) of Section 7-139.9 that represent
11 employee contributions paid by the police officer (but not
12 the accumulated interest on those contributions) and
13 interest paid by the police officer to the prior pension
14 fund in order to reinstate service terminated by acceptance
15 of a refund.

16 At the time of paying a refund under this item (5), the
17 pension fund shall also repay to the pension fund from
18 which the contributions were transferred under Section
19 3-110.7 or 7-139.9 the amount originally transferred under
20 subdivision (a)(2) of that Section, plus interest at the
21 rate of 6% per year, compounded annually, from the date of
22 the original transfer to the date of repayment. Amounts
23 repaid to the Article 7 fund under this provision shall be
24 credited to the appropriate municipality.

25 Transferred credit that is not granted due to failure
26 to pay the additional contribution within the required time

1 is lost; it may not be transferred to another pension fund
2 and may not be reinstated in the pension fund from which it
3 was transferred.

4 (6) The Public Employee Pension Fund Division of the
5 Department of Financial and Professional Regulation
6 ~~Insurance~~ shall establish by rule the manner of making the
7 calculation required under paragraph (2) of this
8 subsection, taking into account the appropriate actuarial
9 assumptions; the police officer's service, age, and salary
10 history; the level of funding of the pension fund to which
11 the credits are being transferred; and any other factors
12 that the Division determines to be relevant. The rules may
13 require that all calculations made under paragraph (2) be
14 reported to the Division by the board performing the
15 calculation, together with documentation of the creditable
16 service to be transferred, the amounts of contributions and
17 interest to be transferred, the manner in which the
18 calculation was performed, the numbers relied upon in
19 making the calculation, the results of the calculation, and
20 any other information the Division may deem useful.

21 (e) (1) Creditable service also includes periods of
22 service originally established in the Fund established
23 under Article 7 of this Code for which the contributions
24 have been transferred under Section 7-139.11.

25 (2) If the board of the pension fund to which
26 creditable service and related contributions are

1 transferred under Section 7-139.11 determines that the
2 amount transferred is less than the true cost to the
3 pension fund of allowing that creditable service to be
4 established, then the amount of creditable service the
5 police officer may establish under this subsection (e)
6 shall be reduced by an amount equal to the difference, as
7 determined by the board in accordance with the rules and
8 procedures adopted under paragraph (3) of this subsection.

9 (3) The Public Pension Division of the Department of
10 Financial and Professional Regulation shall establish by
11 rule the manner of making the calculation required under
12 paragraph (2) of this subsection, taking into account the
13 appropriate actuarial assumptions; the police officer's
14 service, age, and salary history; the level of funding of
15 the pension fund to which the credits are being
16 transferred; and any other factors that the Division
17 determines to be relevant. The rules may require that all
18 calculations made under paragraph (2) be reported to the
19 Division by the board performing the calculation, together
20 with documentation of the creditable service to be
21 transferred, the amounts of contributions and interest to
22 be transferred, the manner in which the calculation was
23 performed, the numbers relied upon in making the
24 calculation, the results of the calculation, and any other
25 information the Division may deem useful.

26 (Source: P.A. 94-356, eff. 7-29-05.)

1 (40 ILCS 5/4-118) (from Ch. 108 1/2, par. 4-118)

2 Sec. 4-118. Financing.

3 (a) The city council or the board of trustees of the
4 municipality shall annually levy a tax upon all the taxable
5 property of the municipality at the rate on the dollar which
6 will produce an amount which, when added to the deductions from
7 the salaries or wages of firefighters and revenues available
8 from other sources, will equal a sum sufficient to meet the
9 annual actuarial requirements of the pension fund, as
10 determined by an enrolled actuary employed by the Illinois
11 Department of Financial and Professional Regulation ~~Insurance~~
12 or by an enrolled actuary retained by the pension fund or
13 municipality. For the purposes of this Section, the annual
14 actuarial requirements of the pension fund are equal to (1) the
15 normal cost of the pension fund, or 17.5% of the salaries and
16 wages to be paid to firefighters for the year involved,
17 whichever is greater, plus (2) the annual amount necessary to
18 amortize the fund's unfunded accrued liabilities over a period
19 of 40 years from July 1, 1993, as annually updated and
20 determined by an enrolled actuary employed by the Illinois
21 Department of Financial and Professional Regulation ~~Insurance~~
22 or by an enrolled actuary retained by the pension fund or the
23 municipality. The amount to be applied towards the amortization
24 of the unfunded accrued liability in any year shall not be less
25 than the annual amount required to amortize the unfunded

1 accrued liability, including interest, as a level percentage of
2 payroll over the number of years remaining in the 40 year
3 amortization period.

4 (b) The tax shall be levied and collected in the same
5 manner as the general taxes of the municipality, and shall be
6 in addition to all other taxes now or hereafter authorized to
7 be levied upon all property within the municipality, and in
8 addition to the amount authorized to be levied for general
9 purposes, under Section 8-3-1 of the Illinois Municipal Code or
10 under Section 14 of the Fire Protection District Act. The tax
11 shall be forwarded directly to the treasurer of the board
12 within 30 business days of receipt by the county (or, in the
13 case of amounts added to the tax levy under subsection (f),
14 used by the municipality to pay the employer contributions
15 required under subsection (b-1) of Section 15-155 of this
16 Code).

17 (c) The board shall make available to the membership and
18 the general public for inspection and copying at reasonable
19 times the most recent Actuarial Valuation Balance Sheet and Tax
20 Levy Requirement issued to the fund by the Department of
21 Financial and Professional Regulation or its predecessor, the
22 Department of Insurance.

23 (d) The firefighters' pension fund shall consist of the
24 following moneys which shall be set apart by the treasurer of
25 the municipality: (1) all moneys derived from the taxes levied
26 hereunder; (2) contributions by firefighters as provided under

1 Section 4-118.1; (3) all rewards in money, fees, gifts, and
2 emoluments that may be paid or given for or on account of
3 extraordinary service by the fire department or any member
4 thereof, except when allowed to be retained by competitive
5 awards; and (4) any money, real estate or personal property
6 received by the board.

7 (e) For the purposes of this Section, "enrolled actuary"
8 means an actuary: (1) who is a member of the Society of
9 Actuaries or the American Academy of Actuaries; and (2) who is
10 enrolled under Subtitle C of Title III of the Employee
11 Retirement Income Security Act of 1974, or who has been engaged
12 in providing actuarial services to one or more public
13 retirement systems for a period of at least 3 years as of July
14 1, 1983.

15 (f) The corporate authorities of a municipality that
16 employs a person who is described in subdivision (d) of Section
17 4-106 may add to the tax levy otherwise provided for in this
18 Section an amount equal to the projected cost of the employer
19 contributions required to be paid by the municipality to the
20 State Universities Retirement System under subsection (b-1) of
21 Section 15-155 of this Code.

22 (Source: P.A. 94-859, eff. 6-15-06.)

23 (40 ILCS 5/4-121) (from Ch. 108 1/2, par. 4-121)

24 Sec. 4-121. Board created. There is created in each
25 municipality or fire protection district a board of trustees to

1 be known as the "Board of Trustees of the Firefighters' Pension
2 Fund". The membership of the board for each municipality shall
3 be, respectively, as follows: in cities, the treasurer, clerk,
4 marshall or chief officer of the fire department, and the
5 comptroller if there is one, or if not, the mayor; in each
6 township, village or incorporated town, the president of the
7 municipality's board of trustees, the village or town clerk,
8 village or town attorney, village or town treasurer, and the
9 chief officer of the fire department; and in each fire
10 protection district, the president and other 2 members of its
11 board of trustees and the marshall or chief of its fire
12 department or service, as the case may be; and in all the
13 municipalities above designated 3 additional persons chosen
14 from their active firefighters and one other person who has
15 retired under the "Firemen's Pension Fund Act of 1919", or this
16 Article. Notwithstanding any provision of this Section to the
17 contrary, the term of office of each member of a board
18 established on or before the 3rd Monday in April, 2006 shall
19 terminate on the 3rd Monday in April, 2006, but all incumbent
20 members shall continue to exercise all of the powers and be
21 subject to all of the duties of a member of the board until all
22 the new members of the board take office.

23 Beginning on the 3rd Monday in April, 2006, the board for
24 each municipality or fire protection district shall consist of
25 5 members. Two members of the board shall be appointed by the
26 mayor or president of the board of trustees of the municipality

1 or fire protection district involved. Two members of the board
2 shall be active participants of the pension fund who are
3 elected from the active participants of the fund. One member of
4 the board shall be a person who is retired under the Firemen's
5 Pension Fund Act of 1919 or this Article who is elected from
6 persons retired under the Firemen's Pension Fund Act of 1919 or
7 this Article.

8 For the purposes of this Section, a firefighter receiving a
9 disability pension shall be considered a retired firefighter.
10 In the event that there are no retired firefighters under the
11 Fund or if none is willing to serve on the board, then an
12 additional active firefighter shall be elected to the board in
13 lieu of the retired firefighter that would otherwise be
14 elected.

15 If the regularly constituted fire department of a
16 municipality is dissolved and Section 4-106.1 is not
17 applicable, the board shall continue to exist and administer
18 the Fund so long as there continues to be any annuitant or
19 deferred pensioner in the Fund. In such cases, elections shall
20 continue to be held as specified in this Section, except that:
21 (1) deferred pensioners shall be deemed to be active members
22 for the purposes of such elections; (2) any otherwise
23 unfillable positions on the board, including ex officio
24 positions, shall be filled by election from the remaining
25 firefighters and deferred pensioners of the Fund, to the extent
26 possible; and (3) if the membership of the board falls below 3

1 persons, the Illinois Secretary of Financial and Professional
2 Regulation ~~Director of Insurance~~ or his designee shall be
3 deemed a member of the board, ex officio.

4 The members chosen from the active and retired firefighters
5 shall be elected by ballot at elections to be held on the 3rd
6 Monday in April of the applicable years under the Australian
7 ballot system, at such place or places, in the municipality,
8 and under such regulations as shall be prescribed by the board.

9 No person shall cast more than one vote for each candidate
10 for whom he or she is eligible to vote. In the elections for
11 board members to be chosen from the active firefighters, all
12 active firefighters and no others may vote. In the elections
13 for board members to be chosen from retired firefighters, the
14 retired firefighters and no others may vote.

15 Each member of the board so elected shall hold office for a
16 term of 3 years and until his or her successor has been duly
17 elected and qualified.

18 The board shall canvass the ballots and declare which
19 persons have been elected and for what term or terms
20 respectively. In case of a tie vote between 2 or more
21 candidates, the board shall determine by lot which candidate or
22 candidates have been elected and for what term or terms
23 respectively. In the event of the failure, resignation, or
24 inability to act of any board member, a successor shall be
25 elected for the unexpired term at a special election called by
26 the board and conducted in the same manner as a regular

1 election.

2 The board shall elect annually from its members a president
3 and secretary.

4 Board members shall not receive or have any right to
5 receive any salary from a pension fund for services performed
6 as board members.

7 (Source: P.A. 94-317, eff. 7-25-05.)

8 (40 ILCS 5/5-188) (from Ch. 108 1/2, par. 5-188)

9 Sec. 5-188. To have an audit. To contract with an
10 independent certified public accounting firm to perform an
11 annual audit of the assets of the fund and issue a financial
12 opinion. The annual audit shall be in addition to any
13 examination of the fund by the Secretary of Financial and
14 Professional Regulation ~~State Director of Insurance~~.

15 (Source: P.A. 85-964.)

16 (40 ILCS 5/5-226) (from Ch. 108 1/2, par. 5-226)

17 Sec. 5-226. Examination and report by Secretary of
18 Financial and Professional Regulation ~~Director of Insurance~~.
19 The Secretary of Financial and Professional Regulation
20 ~~Director of Insurance~~ biennially shall make a thorough
21 examination of the fund provided for in this Article. He or she
22 shall report the results thereof with such recommendations as
23 he or she deems proper to the Governor for transmittal to the
24 General Assembly, and send a copy to the board and to the city

1 council of the city. The city council shall file such report
2 and recommendations in the official record of its proceedings.

3 The requirement for reporting to the General Assembly shall
4 be satisfied by filing copies of the report with the Speaker,
5 the Minority Leader and the Clerk of the House of
6 Representatives and the President, the Minority Leader and the
7 Secretary of the Senate and the Legislative Research Unit, as
8 required by Section 3.1 of "An Act to revise the law in
9 relation to the General Assembly", approved February 25, 1874,
10 as amended, and filing such additional copies with the State
11 Government Report Distribution Center for the General Assembly
12 as is required under paragraph (t) of Section 7 of the State
13 Library Act.

14 (Source: P.A. 84-1438.)

15 (40 ILCS 5/6-184) (from Ch. 108 1/2, par. 6-184)

16 Sec. 6-184. To have an audit. To contract with an
17 independent certified public accounting firm to perform an
18 annual audit of the assets of the fund and issue a financial
19 opinion. The annual audit shall be in addition to any
20 examination of the fund by the Secretary of Financial and
21 Professional Regulation ~~State Director of Insurance~~.

22 (Source: P.A. 86-273.)

23 (40 ILCS 5/6-220) (from Ch. 108 1/2, par. 6-220)

24 Sec. 6-220. Examination and report by Secretary of

1 Financial and Professional Regulation ~~director of insurance~~.
2 The Secretary of Financial and Professional Regulation
3 ~~Director of Insurance~~ biennially shall make a thorough
4 examination of the fund provided for in this Article. He or she
5 shall report the results thereof with such recommendations as
6 he or she deems proper to the Governor for transmittal to the
7 General Assembly and send a copy to the board and to the city
8 council of the city. The city council shall file such report
9 and recommendations in the official record of its proceedings.

10 The requirement for reporting to the General Assembly shall
11 be satisfied by filing copies of the report with the Speaker,
12 the Minority Leader and the Clerk of the House of
13 Representatives and the President, the Minority Leader and the
14 Secretary of the Senate and the Legislative Research Unit, as
15 required by Section 3.1 of "An Act to revise the law in
16 relation to the General Assembly", approved February 25, 1874,
17 as amended, and filing such additional copies with the State
18 Government Report Distribution Center for the General Assembly
19 as is required under paragraph (t) of Section 7 of the State
20 Library Act.

21 (Source: P.A. 84-1438.)

22 (40 ILCS 5/13-711) (from Ch. 108 1/2, par. 13-711)

23 Sec. 13-711. Examination of Fund. The Board shall have an
24 audit and a thorough examination of the affairs of the fund
25 made annually by a certified public accountant. The Board shall

1 submit the results of the examination to the Secretary of
2 Financial and Professional Regulation ~~Director of Insurance,~~
3 and to the Board of Commissioners of the District. The report
4 shall be filed in the official record of the proceedings of the
5 meeting of the District at which it is received. The expenses
6 of the examination shall be paid by the Board.

7 (Source: P.A. 87-794.)

8 (40 ILCS 5/14-104) (from Ch. 108 1/2, par. 14-104)

9 Sec. 14-104. Service for which contributions permitted.
10 Contributions provided for in this Section shall cover the
11 period of service granted. Except as otherwise provided in this
12 Section, the contributions shall be based upon the employee's
13 compensation and contribution rate in effect on the date he
14 last became a member of the System; provided that for all
15 employment prior to January 1, 1969 the contribution rate shall
16 be that in effect for a noncovered employee on the date he last
17 became a member of the System. Except as otherwise provided in
18 this Section, contributions permitted under this Section shall
19 include regular interest from the date an employee last became
20 a member of the System to the date of payment.

21 These contributions must be paid in full before retirement
22 either in a lump sum or in installment payments in accordance
23 with such rules as may be adopted by the board.

24 (a) Any member may make contributions as required in this
25 Section for any period of service, subsequent to the date of

1 establishment, but prior to the date of membership.

2 (b) Any employee who had been previously excluded from
3 membership because of age at entry and subsequently became
4 eligible may elect to make contributions as required in this
5 Section for the period of service during which he was
6 ineligible.

7 (c) An employee of the Department of Insurance or the
8 Department of Financial and Professional Regulation, as the
9 successor of the Department of Insurance, who, after January 1,
10 1944 but prior to becoming eligible for membership, received
11 salary from funds of insurance companies in the process of
12 rehabilitation, liquidation, conservation or dissolution, may
13 elect to make contributions as required in this Section for
14 such service.

15 (d) Any employee who rendered service in a State office to
16 which he was elected, or rendered service in the elective
17 office of Clerk of the Appellate Court prior to the date he
18 became a member, may make contributions for such service as
19 required in this Section. Any member who served by appointment
20 of the Governor under the Civil Administrative Code of Illinois
21 and did not participate in this System may make contributions
22 as required in this Section for such service.

23 (e) Any person employed by the United States government or
24 any instrumentality or agency thereof from January 1, 1942
25 through November 15, 1946 as the result of a transfer from
26 State service by executive order of the President of the United

1 States shall be entitled to prior service credit covering the
2 period from January 1, 1942 through December 31, 1943 as
3 provided for in this Article and to membership service credit
4 for the period from January 1, 1944 through November 15, 1946
5 by making the contributions required in this Section. A person
6 so employed on January 1, 1944 but whose employment began after
7 January 1, 1942 may qualify for prior service and membership
8 service credit under the same conditions.

9 (f) An employee of the Department of Labor of the State of
10 Illinois who performed services for and under the supervision
11 of that Department prior to January 1, 1944 but who was
12 compensated for those services directly by federal funds and
13 not by a warrant of the Auditor of Public Accounts paid by the
14 State Treasurer may establish credit for such employment by
15 making the contributions required in this Section. An employee
16 of the Department of Agriculture of the State of Illinois, who
17 performed services for and under the supervision of that
18 Department prior to June 1, 1963, but was compensated for those
19 services directly by federal funds and not paid by a warrant of
20 the Auditor of Public Accounts paid by the State Treasurer, and
21 who did not contribute to any other public employee retirement
22 system for such service, may establish credit for such
23 employment by making the contributions required in this
24 Section.

25 (g) Any employee who executed a waiver of membership within
26 60 days prior to January 1, 1944 may, at any time while in the

1 service of a department, file with the board a rescission of
2 such waiver. Upon making the contributions required by this
3 Section, the member shall be granted the creditable service
4 that would have been received if the waiver had not been
5 executed.

6 (h) Until May 1, 1990, an employee who was employed on a
7 full-time basis by a regional planning commission for at least
8 5 continuous years may establish creditable service for such
9 employment by making the contributions required under this
10 Section, provided that any credits earned by the employee in
11 the commission's retirement plan have been terminated.

12 (i) Any person who rendered full time contractual services
13 to the General Assembly as a member of a legislative staff may
14 establish service credit for up to 8 years of such services by
15 making the contributions required under this Section, provided
16 that application therefor is made not later than July 1, 1991.

17 (j) By paying the contributions otherwise required under
18 this Section, plus an amount determined by the Board to be
19 equal to the employer's normal cost of the benefit plus
20 interest, but with all of the interest calculated from the date
21 the employee last became a member of the System or November 19,
22 1991, whichever is later, to the date of payment, an employee
23 may establish service credit for a period of up to 4 years
24 spent in active military service for which he does not qualify
25 for credit under Section 14-105, provided that (1) he was not
26 dishonorably discharged from such military service, and (2) the

1 amount of service credit established by a member under this
2 subsection (j), when added to the amount of military service
3 credit granted to the member under subsection (b) of Section
4 14-105, shall not exceed 5 years. The change in the manner of
5 calculating interest under this subsection (j) made by this
6 amendatory Act of the 92nd General Assembly applies to credit
7 purchased by an employee on or after its effective date and
8 does not entitle any person to a refund of contributions or
9 interest already paid. In compliance with Section 14-152.1 of
10 this Act concerning new benefit increases, any new benefit
11 increase as a result of the changes to this subsection (j) made
12 by Public Act 95-483 ~~this amendatory Act of the 95th General~~
13 ~~Assembly~~ is funded through the employee contributions provided
14 for in this subsection (j). Any new benefit increase as a
15 result of the changes made to this subsection (j) by Public Act
16 95-483 ~~this amendatory Act of the 95th General Assembly~~ is
17 exempt from the provisions of subsection (d) of Section
18 14-152.1.

19 (k) An employee who was employed on a full-time basis by
20 the Illinois State's Attorneys Association Statewide Appellate
21 Assistance Service LEAA-ILEC grant project prior to the time
22 that project became the State's Attorneys Appellate Service
23 Commission, now the Office of the State's Attorneys Appellate
24 Prosecutor, an agency of State government, may establish
25 creditable service for not more than 60 months service for such
26 employment by making contributions required under this

1 Section.

2 (1) By paying the contributions otherwise required under
3 this Section, plus an amount determined by the Board to be
4 equal to the employer's normal cost of the benefit plus
5 interest, a member may establish service credit for periods of
6 less than one year spent on authorized leave of absence from
7 service, provided that (1) the period of leave began on or
8 after January 1, 1982 and (2) any credit established by the
9 member for the period of leave in any other public employee
10 retirement system has been terminated. A member may establish
11 service credit under this subsection for more than one period
12 of authorized leave, and in that case the total period of
13 service credit established by the member under this subsection
14 may exceed one year. In determining the contributions required
15 for establishing service credit under this subsection, the
16 interest shall be calculated from the beginning of the leave of
17 absence to the date of payment.

18 (1-5) By paying the contributions otherwise required under
19 this Section, plus an amount determined by the Board to be
20 equal to the employer's normal cost of the benefit plus
21 interest, a member may establish service credit for periods of
22 up to 2 years spent on authorized leave of absence from
23 service, provided that during that leave the member represented
24 or was employed as an officer or employee of a statewide labor
25 organization that represents members of this System. In
26 determining the contributions required for establishing

1 service credit under this subsection, the interest shall be
2 calculated from the beginning of the leave of absence to the
3 date of payment.

4 (m) Any person who rendered contractual services to a
5 member of the General Assembly as a worker in the member's
6 district office may establish creditable service for up to 3
7 years of those contractual services by making the contributions
8 required under this Section. The System shall determine a
9 full-time salary equivalent for the purpose of calculating the
10 required contribution. To establish credit under this
11 subsection, the applicant must apply to the System by March 1,
12 1998.

13 (n) Any person who rendered contractual services to a
14 member of the General Assembly as a worker providing
15 constituent services to persons in the member's district may
16 establish creditable service for up to 8 years of those
17 contractual services by making the contributions required
18 under this Section. The System shall determine a full-time
19 salary equivalent for the purpose of calculating the required
20 contribution. To establish credit under this subsection, the
21 applicant must apply to the System by March 1, 1998.

22 (o) A member who participated in the Illinois Legislative
23 Staff Internship Program may establish creditable service for
24 up to one year of that participation by making the contribution
25 required under this Section. The System shall determine a
26 full-time salary equivalent for the purpose of calculating the

1 required contribution. Credit may not be established under this
2 subsection for any period for which service credit is
3 established under any other provision of this Code.

4 (p) By paying the contributions otherwise required under
5 this Section, plus an amount determined by the Board to be
6 equal to the employer's normal cost of the benefit plus
7 interest, a member may establish service credit for a period of
8 up to 8 years during which he or she was employed by the
9 Visually Handicapped Managers of Illinois in a vending program
10 operated under a contractual agreement with the Department of
11 Rehabilitation Services or its successor agency.

12 This subsection (p) applies without regard to whether the
13 person was in service on or after the effective date of this
14 amendatory Act of the 94th General Assembly. In the case of a
15 person who is receiving a retirement annuity on that effective
16 date, the increase, if any, shall begin to accrue on the first
17 annuity payment date following receipt by the System of the
18 contributions required under this subsection (p).

19 (q) By paying the required contributions under this
20 Section, plus an amount determined by the Board to be equal to
21 the employer's normal cost of the benefit plus interest, an
22 employee who was laid off but returned to State employment
23 under circumstances in which the employee is considered to have
24 been in continuous service for purposes of determining
25 seniority may establish creditable service for the period of
26 the layoff, provided that (1) the applicant applies for the

1 creditable service under this subsection (q) within 6 months
2 after the effective date of this amendatory Act of the 94th
3 General Assembly, (2) the applicant does not receive credit for
4 that period under any other provision of this Code, (3) at the
5 time of the layoff, the applicant is not in an initial
6 probationary status consistent with the rules of the Department
7 of Central Management Services, and (4) the total amount of
8 creditable service established by the applicant under this
9 subsection (q) does not exceed 3 years. For service established
10 under this subsection (q), the required employee contribution
11 shall be based on the rate of compensation earned by the
12 employee on the date of returning to employment after the
13 layoff and the contribution rate then in effect, and the
14 required interest shall be calculated from the date of
15 returning to employment after the layoff to the date of
16 payment.

17 (r) A member who participated in the University of Illinois
18 Government Public Service Internship Program (GPSI) may
19 establish creditable service for up to 2 years of that
20 participation by making the contribution required under this
21 Section, plus an amount determined by the Board to be equal to
22 the employer's normal cost of the benefit plus interest. The
23 System shall determine a full-time salary equivalent for the
24 purpose of calculating the required contribution. Credit may
25 not be established under this subsection for any period for
26 which service credit is established under any other provision

1 of this Code.

2 (s) ~~(r)~~ A member who worked as a nurse under a contractual
3 agreement for the Department of Public Aid, or its successor
4 agency, the Department of Human Services, in the Client
5 Assessment Unit and was subsequently determined to be a State
6 employee by the United States Internal Revenue Service and the
7 Illinois Labor Relations Board may establish creditable
8 service for those contractual services by making the
9 contributions required under this Section. To establish credit
10 under this subsection, the applicant must apply to the System
11 by July 1, 2008.

12 The Department of Human Services shall pay an employer
13 contribution based upon an amount determined by the Board to be
14 equal to the employer's normal cost of the benefit, plus
15 interest.

16 In compliance with Section 14-152.1 added by Public Act
17 94-4, the cost of the benefits provided by Public Act 95-583
18 ~~this amendatory Act of the 95th General Assembly~~ are offset by
19 the required employee and employer contributions.

20 (Source: P.A. 94-612, eff. 8-18-05; 94-1111, eff. 2-27-07;
21 95-483, eff. 8-28-07; 95-583, eff. 8-31-07; 95-652, eff.
22 10-11-07; revised 11-9-07.)

23 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

24 Sec. 14-110. Alternative retirement annuity.

25 (a) Any member who has withdrawn from service with not less

1 than 20 years of eligible creditable service and has attained
2 age 55, and any member who has withdrawn from service with not
3 less than 25 years of eligible creditable service and has
4 attained age 50, regardless of whether the attainment of either
5 of the specified ages occurs while the member is still in
6 service, shall be entitled to receive at the option of the
7 member, in lieu of the regular or minimum retirement annuity, a
8 retirement annuity computed as follows:

9 (i) for periods of service as a noncovered employee: if
10 retirement occurs on or after January 1, 2001, 3% of final
11 average compensation for each year of creditable service;
12 if retirement occurs before January 1, 2001, 2 1/4% of
13 final average compensation for each of the first 10 years
14 of creditable service, 2 1/2% for each year above 10 years
15 to and including 20 years of creditable service, and 2 3/4%
16 for each year of creditable service above 20 years; and

17 (ii) for periods of eligible creditable service as a
18 covered employee: if retirement occurs on or after January
19 1, 2001, 2.5% of final average compensation for each year
20 of creditable service; if retirement occurs before January
21 1, 2001, 1.67% of final average compensation for each of
22 the first 10 years of such service, 1.90% for each of the
23 next 10 years of such service, 2.10% for each year of such
24 service in excess of 20 but not exceeding 30, and 2.30% for
25 each year in excess of 30.

26 Such annuity shall be subject to a maximum of 75% of final

1 average compensation if retirement occurs before January 1,
2 2001 or to a maximum of 80% of final average compensation if
3 retirement occurs on or after January 1, 2001.

4 These rates shall not be applicable to any service
5 performed by a member as a covered employee which is not
6 eligible creditable service. Service as a covered employee
7 which is not eligible creditable service shall be subject to
8 the rates and provisions of Section 14-108.

9 (b) For the purpose of this Section, "eligible creditable
10 service" means creditable service resulting from service in one
11 or more of the following positions:

12 (1) State policeman;

13 (2) fire fighter in the fire protection service of a
14 department;

15 (3) air pilot;

16 (4) special agent;

17 (5) investigator for the Secretary of State;

18 (6) conservation police officer;

19 (7) investigator for the Department of Revenue;

20 (8) security employee of the Department of Human
21 Services;

22 (9) Central Management Services security police
23 officer;

24 (10) security employee of the Department of
25 Corrections or the Department of Juvenile Justice;

26 (11) dangerous drugs investigator;

- 1 (12) investigator for the Department of State Police;
- 2 (13) investigator for the Office of the Attorney
3 General;
- 4 (14) controlled substance inspector;
- 5 (15) investigator for the Office of the State's
6 Attorneys Appellate Prosecutor;
- 7 (16) Commerce Commission police officer;
- 8 (17) arson investigator;
- 9 (18) State highway maintenance worker.

10 A person employed in one of the positions specified in this
11 subsection is entitled to eligible creditable service for
12 service credit earned under this Article while undergoing the
13 basic police training course approved by the Illinois Law
14 Enforcement Training Standards Board, if completion of that
15 training is required of persons serving in that position. For
16 the purposes of this Code, service during the required basic
17 police training course shall be deemed performance of the
18 duties of the specified position, even though the person is not
19 a sworn peace officer at the time of the training.

20 (c) For the purposes of this Section:

21 (1) The term "state policeman" includes any title or
22 position in the Department of State Police that is held by
23 an individual employed under the State Police Act.

24 (2) The term "fire fighter in the fire protection
25 service of a department" includes all officers in such fire
26 protection service including fire chiefs and assistant

1 fire chiefs.

2 (3) The term "air pilot" includes any employee whose
3 official job description on file in the Department of
4 Central Management Services, or in the department by which
5 he is employed if that department is not covered by the
6 Personnel Code, states that his principal duty is the
7 operation of aircraft, and who possesses a pilot's license;
8 however, the change in this definition made by this
9 amendatory Act of 1983 shall not operate to exclude any
10 noncovered employee who was an "air pilot" for the purposes
11 of this Section on January 1, 1984.

12 (4) The term "special agent" means any person who by
13 reason of employment by the Division of Narcotic Control,
14 the Bureau of Investigation or, after July 1, 1977, the
15 Division of Criminal Investigation, the Division of
16 Internal Investigation, the Division of Operations, or any
17 other Division or organizational entity in the Department
18 of State Police is vested by law with duties to maintain
19 public order, investigate violations of the criminal law of
20 this State, enforce the laws of this State, make arrests
21 and recover property. The term "special agent" includes any
22 title or position in the Department of State Police that is
23 held by an individual employed under the State Police Act.

24 (5) The term "investigator for the Secretary of State"
25 means any person employed by the Office of the Secretary of
26 State and vested with such investigative duties as render

1 him ineligible for coverage under the Social Security Act
2 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
3 218(1)(1) of that Act.

4 A person who became employed as an investigator for the
5 Secretary of State between January 1, 1967 and December 31,
6 1975, and who has served as such until attainment of age
7 60, either continuously or with a single break in service
8 of not more than 3 years duration, which break terminated
9 before January 1, 1976, shall be entitled to have his
10 retirement annuity calculated in accordance with
11 subsection (a), notwithstanding that he has less than 20
12 years of credit for such service.

13 (6) The term "Conservation Police Officer" means any
14 person employed by the Division of Law Enforcement of the
15 Department of Natural Resources and vested with such law
16 enforcement duties as render him ineligible for coverage
17 under the Social Security Act by reason of Sections
18 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The
19 term "Conservation Police Officer" includes the positions
20 of Chief Conservation Police Administrator and Assistant
21 Conservation Police Administrator.

22 (7) The term "investigator for the Department of
23 Revenue" means any person employed by the Department of
24 Revenue and vested with such investigative duties as render
25 him ineligible for coverage under the Social Security Act
26 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and

1 218(1)(1) of that Act.

2 (8) The term "security employee of the Department of
3 Human Services" means any person employed by the Department
4 of Human Services who (i) is employed at the Chester Mental
5 Health Center and has daily contact with the residents
6 thereof, (ii) is employed within a security unit at a
7 facility operated by the Department and has daily contact
8 with the residents of the security unit, (iii) is employed
9 at a facility operated by the Department that includes a
10 security unit and is regularly scheduled to work at least
11 50% of his or her working hours within that security unit,
12 or (iv) is a mental health police officer. "Mental health
13 police officer" means any person employed by the Department
14 of Human Services in a position pertaining to the
15 Department's mental health and developmental disabilities
16 functions who is vested with such law enforcement duties as
17 render the person ineligible for coverage under the Social
18 Security Act by reason of Sections 218(d)(5)(A),
19 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"
20 means that portion of a facility that is devoted to the
21 care, containment, and treatment of persons committed to
22 the Department of Human Services as sexually violent
23 persons, persons unfit to stand trial, or persons not
24 guilty by reason of insanity. With respect to past
25 employment, references to the Department of Human Services
26 include its predecessor, the Department of Mental Health

1 and Developmental Disabilities.

2 The changes made to this subdivision (c)(8) by Public
3 Act 92-14 apply to persons who retire on or after January
4 1, 2001, notwithstanding Section 1-103.1.

5 (9) "Central Management Services security police
6 officer" means any person employed by the Department of
7 Central Management Services who is vested with such law
8 enforcement duties as render him ineligible for coverage
9 under the Social Security Act by reason of Sections
10 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

11 (10) For a member who first became an employee under
12 this Article before July 1, 2005, the term "security
13 employee of the Department of Corrections or the Department
14 of Juvenile Justice" means any employee of the Department
15 of Corrections or the Department of Juvenile Justice or the
16 former Department of Personnel, and any member or employee
17 of the Prisoner Review Board, who has daily contact with
18 inmates or youth by working within a correctional facility
19 or Juvenile facility operated by the Department of Juvenile
20 Justice or who is a parole officer or an employee who has
21 direct contact with committed persons in the performance of
22 his or her job duties. For a member who first becomes an
23 employee under this Article on or after July 1, 2005, the
24 term means an employee of the Department of Corrections or
25 the Department of Juvenile Justice who is any of the
26 following: (i) officially headquartered at a correctional

1 facility or Juvenile facility operated by the Department of
2 Juvenile Justice, (ii) a parole officer, (iii) a member of
3 the apprehension unit, (iv) a member of the intelligence
4 unit, (v) a member of the sort team, or (vi) an
5 investigator.

6 (11) The term "dangerous drugs investigator" means any
7 person who is employed as such by the Department of Human
8 Services.

9 (12) The term "investigator for the Department of State
10 Police" means a person employed by the Department of State
11 Police who is vested under Section 4 of the Narcotic
12 Control Division Abolition Act with such law enforcement
13 powers as render him ineligible for coverage under the
14 Social Security Act by reason of Sections 218(d)(5)(A),
15 218(d)(8)(D) and 218(1)(1) of that Act.

16 (13) "Investigator for the Office of the Attorney
17 General" means any person who is employed as such by the
18 Office of the Attorney General and is vested with such
19 investigative duties as render him ineligible for coverage
20 under the Social Security Act by reason of Sections
21 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For
22 the period before January 1, 1989, the term includes all
23 persons who were employed as investigators by the Office of
24 the Attorney General, without regard to social security
25 status.

26 (14) "Controlled substance inspector" means any person

1 who is employed as such by the Department of Financial and
2 Professional Regulation and is vested with such law
3 enforcement duties as render him ineligible for coverage
4 under the Social Security Act by reason of Sections
5 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. The
6 term "controlled substance inspector" includes the Program
7 Executive of Enforcement and the Assistant Program
8 Executive of Enforcement.

9 (15) The term "investigator for the Office of the
10 State's Attorneys Appellate Prosecutor" means a person
11 employed in that capacity on a full time basis under the
12 authority of Section 7.06 of the State's Attorneys
13 Appellate Prosecutor's Act.

14 (16) "Commerce Commission police officer" means any
15 person employed by the Illinois Commerce Commission who is
16 vested with such law enforcement duties as render him
17 ineligible for coverage under the Social Security Act by
18 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
19 218(1)(1) of that Act.

20 (17) "Arson investigator" means any person who is
21 employed as such by the Office of the State Fire Marshal
22 and is vested with such law enforcement duties as render
23 the person ineligible for coverage under the Social
24 Security Act by reason of Sections 218(d)(5)(A),
25 218(d)(8)(D), and 218(1)(1) of that Act. A person who was
26 employed as an arson investigator on January 1, 1995 and is

1 no longer in service but not yet receiving a retirement
2 annuity may convert his or her creditable service for
3 employment as an arson investigator into eligible
4 creditable service by paying to the System the difference
5 between the employee contributions actually paid for that
6 service and the amounts that would have been contributed if
7 the applicant were contributing at the rate applicable to
8 persons with the same social security status earning
9 eligible creditable service on the date of application.

10 (18) The term "State highway maintenance worker" means
11 a person who is either of the following:

12 (i) A person employed on a full-time basis by the
13 Illinois Department of Transportation in the position
14 of highway maintainer, highway maintenance lead
15 worker, highway maintenance lead/lead worker, heavy
16 construction equipment operator, power shovel
17 operator, or bridge mechanic; and whose principal
18 responsibility is to perform, on the roadway, the
19 actual maintenance necessary to keep the highways that
20 form a part of the State highway system in serviceable
21 condition for vehicular traffic.

22 (ii) A person employed on a full-time basis by the
23 Illinois State Toll Highway Authority in the position
24 of equipment operator/laborer H-4, equipment
25 operator/laborer H-6, welder H-4, welder H-6,
26 mechanical/electrical H-4, mechanical/electrical H-6,

1 water/sewer H-4, water/sewer H-6, sign maker/hanger
2 H-4, sign maker/hanger H-6, roadway lighting H-4,
3 roadway lighting H-6, structural H-4, structural H-6,
4 painter H-4, or painter H-6; and whose principal
5 responsibility is to perform, on the roadway, the
6 actual maintenance necessary to keep the Authority's
7 tollways in serviceable condition for vehicular
8 traffic.

9 (d) A security employee of the Department of Corrections or
10 the Department of Juvenile Justice, and a security employee of
11 the Department of Human Services who is not a mental health
12 police officer, shall not be eligible for the alternative
13 retirement annuity provided by this Section unless he or she
14 meets the following minimum age and service requirements at the
15 time of retirement:

16 (i) 25 years of eligible creditable service and age 55;

17 or

18 (ii) beginning January 1, 1987, 25 years of eligible
19 creditable service and age 54, or 24 years of eligible
20 creditable service and age 55; or

21 (iii) beginning January 1, 1988, 25 years of eligible
22 creditable service and age 53, or 23 years of eligible
23 creditable service and age 55; or

24 (iv) beginning January 1, 1989, 25 years of eligible
25 creditable service and age 52, or 22 years of eligible
26 creditable service and age 55; or

1 (v) beginning January 1, 1990, 25 years of eligible
2 creditable service and age 51, or 21 years of eligible
3 creditable service and age 55; or

4 (vi) beginning January 1, 1991, 25 years of eligible
5 creditable service and age 50, or 20 years of eligible
6 creditable service and age 55.

7 Persons who have service credit under Article 16 of this
8 Code for service as a security employee of the Department of
9 Corrections or the Department of Juvenile Justice, or the
10 Department of Human Services in a position requiring
11 certification as a teacher may count such service toward
12 establishing their eligibility under the service requirements
13 of this Section; but such service may be used only for
14 establishing such eligibility, and not for the purpose of
15 increasing or calculating any benefit.

16 (e) If a member enters military service while working in a
17 position in which eligible creditable service may be earned,
18 and returns to State service in the same or another such
19 position, and fulfills in all other respects the conditions
20 prescribed in this Article for credit for military service,
21 such military service shall be credited as eligible creditable
22 service for the purposes of the retirement annuity prescribed
23 in this Section.

24 (f) For purposes of calculating retirement annuities under
25 this Section, periods of service rendered after December 31,
26 1968 and before October 1, 1975 as a covered employee in the

1 position of special agent, conservation police officer, mental
2 health police officer, or investigator for the Secretary of
3 State, shall be deemed to have been service as a noncovered
4 employee, provided that the employee pays to the System prior
5 to retirement an amount equal to (1) the difference between the
6 employee contributions that would have been required for such
7 service as a noncovered employee, and the amount of employee
8 contributions actually paid, plus (2) if payment is made after
9 July 31, 1987, regular interest on the amount specified in item
10 (1) from the date of service to the date of payment.

11 For purposes of calculating retirement annuities under
12 this Section, periods of service rendered after December 31,
13 1968 and before January 1, 1982 as a covered employee in the
14 position of investigator for the Department of Revenue shall be
15 deemed to have been service as a noncovered employee, provided
16 that the employee pays to the System prior to retirement an
17 amount equal to (1) the difference between the employee
18 contributions that would have been required for such service as
19 a noncovered employee, and the amount of employee contributions
20 actually paid, plus (2) if payment is made after January 1,
21 1990, regular interest on the amount specified in item (1) from
22 the date of service to the date of payment.

23 (g) A State policeman may elect, not later than January 1,
24 1990, to establish eligible creditable service for up to 10
25 years of his service as a policeman under Article 3, by filing
26 a written election with the Board, accompanied by payment of an

1 amount to be determined by the Board, equal to (i) the
2 difference between the amount of employee and employer
3 contributions transferred to the System under Section 3-110.5,
4 and the amounts that would have been contributed had such
5 contributions been made at the rates applicable to State
6 policemen, plus (ii) interest thereon at the effective rate for
7 each year, compounded annually, from the date of service to the
8 date of payment.

9 Subject to the limitation in subsection (i), a State
10 policeman may elect, not later than July 1, 1993, to establish
11 eligible creditable service for up to 10 years of his service
12 as a member of the County Police Department under Article 9, by
13 filing a written election with the Board, accompanied by
14 payment of an amount to be determined by the Board, equal to
15 (i) the difference between the amount of employee and employer
16 contributions transferred to the System under Section 9-121.10
17 and the amounts that would have been contributed had those
18 contributions been made at the rates applicable to State
19 policemen, plus (ii) interest thereon at the effective rate for
20 each year, compounded annually, from the date of service to the
21 date of payment.

22 (h) Subject to the limitation in subsection (i), a State
23 policeman or investigator for the Secretary of State may elect
24 to establish eligible creditable service for up to 12 years of
25 his service as a policeman under Article 5, by filing a written
26 election with the Board on or before January 31, 1992, and

1 paying to the System by January 31, 1994 an amount to be
2 determined by the Board, equal to (i) the difference between
3 the amount of employee and employer contributions transferred
4 to the System under Section 5-236, and the amounts that would
5 have been contributed had such contributions been made at the
6 rates applicable to State policemen, plus (ii) interest thereon
7 at the effective rate for each year, compounded annually, from
8 the date of service to the date of payment.

9 Subject to the limitation in subsection (i), a State
10 policeman, conservation police officer, or investigator for
11 the Secretary of State may elect to establish eligible
12 creditable service for up to 10 years of service as a sheriff's
13 law enforcement employee under Article 7, by filing a written
14 election with the Board on or before January 31, 1993, and
15 paying to the System by January 31, 1994 an amount to be
16 determined by the Board, equal to (i) the difference between
17 the amount of employee and employer contributions transferred
18 to the System under Section 7-139.7, and the amounts that would
19 have been contributed had such contributions been made at the
20 rates applicable to State policemen, plus (ii) interest thereon
21 at the effective rate for each year, compounded annually, from
22 the date of service to the date of payment.

23 Subject to the limitation in subsection (i), a State
24 policeman, conservation police officer, or investigator for
25 the Secretary of State may elect to establish eligible
26 creditable service for up to 5 years of service as a police

1 officer under Article 3, a policeman under Article 5, a
2 sheriff's law enforcement employee under Article 7, a member of
3 the county police department under Article 9, or a police
4 officer under Article 15 by filing a written election with the
5 Board and paying to the System an amount to be determined by
6 the Board, equal to (i) the difference between the amount of
7 employee and employer contributions transferred to the System
8 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4
9 and the amounts that would have been contributed had such
10 contributions been made at the rates applicable to State
11 policemen, plus (ii) interest thereon at the effective rate for
12 each year, compounded annually, from the date of service to the
13 date of payment.

14 (i) The total amount of eligible creditable service
15 established by any person under subsections (g), (h), (j), (k),
16 and (l) of this Section shall not exceed 12 years.

17 (j) Subject to the limitation in subsection (i), an
18 investigator for the Office of the State's Attorneys Appellate
19 Prosecutor or a controlled substance inspector may elect to
20 establish eligible creditable service for up to 10 years of his
21 service as a policeman under Article 3 or a sheriff's law
22 enforcement employee under Article 7, by filing a written
23 election with the Board, accompanied by payment of an amount to
24 be determined by the Board, equal to (1) the difference between
25 the amount of employee and employer contributions transferred
26 to the System under Section 3-110.6 or 7-139.8, and the amounts

1 that would have been contributed had such contributions been
2 made at the rates applicable to State policemen, plus (2)
3 interest thereon at the effective rate for each year,
4 compounded annually, from the date of service to the date of
5 payment.

6 (k) Subject to the limitation in subsection (i) of this
7 Section, an alternative formula employee may elect to establish
8 eligible creditable service for periods spent as a full-time
9 law enforcement officer or full-time corrections officer
10 employed by the federal government or by a state or local
11 government located outside of Illinois, for which credit is not
12 held in any other public employee pension fund or retirement
13 system. To obtain this credit, the applicant must file a
14 written application with the Board by March 31, 1998,
15 accompanied by evidence of eligibility acceptable to the Board
16 and payment of an amount to be determined by the Board, equal
17 to (1) employee contributions for the credit being established,
18 based upon the applicant's salary on the first day as an
19 alternative formula employee after the employment for which
20 credit is being established and the rates then applicable to
21 alternative formula employees, plus (2) an amount determined by
22 the Board to be the employer's normal cost of the benefits
23 accrued for the credit being established, plus (3) regular
24 interest on the amounts in items (1) and (2) from the first day
25 as an alternative formula employee after the employment for
26 which credit is being established to the date of payment.

1 (1) Subject to the limitation in subsection (i), a security
2 employee of the Department of Corrections may elect, not later
3 than July 1, 1998, to establish eligible creditable service for
4 up to 10 years of his or her service as a policeman under
5 Article 3, by filing a written election with the Board,
6 accompanied by payment of an amount to be determined by the
7 Board, equal to (i) the difference between the amount of
8 employee and employer contributions transferred to the System
9 under Section 3-110.5, and the amounts that would have been
10 contributed had such contributions been made at the rates
11 applicable to security employees of the Department of
12 Corrections, plus (ii) interest thereon at the effective rate
13 for each year, compounded annually, from the date of service to
14 the date of payment.

15 (m) The amendatory changes to this Section made by this
16 amendatory Act of the 94th General Assembly apply only to: (1)
17 security employees of the Department of Juvenile Justice
18 employed by the Department of Corrections before the effective
19 date of this amendatory Act of the 94th General Assembly and
20 transferred to the Department of Juvenile Justice by this
21 amendatory Act of the 94th General Assembly; and (2) persons
22 employed by the Department of Juvenile Justice on or after the
23 effective date of this amendatory Act of the 94th General
24 Assembly who are required by subsection (b) of Section 3-2.5-15
25 of the Unified Code of Corrections to have a bachelor's or
26 advanced degree from an accredited college or university with a

1 specialization in criminal justice, education, psychology,
2 social work, or a closely related social science or, in the
3 case of persons who provide vocational training, who are
4 required to have adequate knowledge in the skill for which they
5 are providing the vocational training.

6 (Source: P.A. 94-4, eff. 6-1-05; 94-696, eff. 6-1-06; 95-530,
7 eff. 8-28-07.)

8 Section 9145. The Illinois Police Training Act is amended
9 by changing Section 6.1 as follows:

10 (50 ILCS 705/6.1)

11 Sec. 6.1. Decertification of full-time and part-time
12 police officers.

13 (a) The Board must review police officer conduct and
14 records to ensure that no police officer is certified or
15 provided a valid waiver if that police officer has been
16 convicted of a felony offense under the laws of this State or
17 any other state which if committed in this State would be
18 punishable as a felony. The Board must also ensure that no
19 police officer is certified or provided a valid waiver if that
20 police officer has been convicted on or after the effective
21 date of this amendatory Act of 1999 of any misdemeanor
22 specified in this Section or if committed in any other state
23 would be an offense similar to Section 11-6, 11-9.1, 11-14,
24 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2, 28-3, 29-1, 31-1,

1 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of 1961 or to
2 Section 5 or 5.2 of the Cannabis Control Act. The Board must
3 appoint investigators to enforce the duties conferred upon the
4 Board by this Act.

5 (b) It is the responsibility of the sheriff or the chief
6 executive officer of every local law enforcement agency or
7 department within this State to report to the Board any arrest
8 or conviction of any officer for an offense identified in this
9 Section.

10 (c) It is the duty and responsibility of every full-time
11 and part-time police officer in this State to report to the
12 Board within 30 days, and the officer's sheriff or chief
13 executive officer, of his or her arrest or conviction for an
14 offense identified in this Section. Any full-time or part-time
15 police officer who knowingly makes, submits, causes to be
16 submitted, or files a false or untruthful report to the Board
17 must have his or her certificate or waiver immediately
18 decertified or revoked.

19 (d) Any person, or a local or State agency, or the Board is
20 immune from liability for submitting, disclosing, or releasing
21 information of arrests or convictions in this Section as long
22 as the information is submitted, disclosed, or released in good
23 faith and without malice. The Board has qualified immunity for
24 the release of the information.

25 (e) Any full-time or part-time police officer with a
26 certificate or waiver issued by the Board who is convicted of

1 any offense described in this Section immediately becomes
2 decertified or no longer has a valid waiver. The
3 decertification and invalidity of waivers occurs as a matter of
4 law. Failure of a convicted person to report to the Board his
5 or her conviction as described in this Section or any continued
6 law enforcement practice after receiving a conviction is a
7 Class 4 felony.

8 (f) The Board's investigators are peace officers and have
9 all the powers possessed by policemen in cities and by
10 sheriff's, provided that the investigators may exercise those
11 powers anywhere in the State, only after contact and
12 cooperation with the appropriate local law enforcement
13 authorities.

14 (g) The Board must request and receive information and
15 assistance from any federal, state, or local governmental
16 agency as part of the authorized criminal background
17 investigation. The Department of State Police must process,
18 retain, and additionally provide and disseminate information
19 to the Board concerning criminal charges, arrests,
20 convictions, and their disposition, that have been filed
21 before, on, or after the effective date of this amendatory Act
22 of the 91st General Assembly against a basic academy applicant,
23 law enforcement applicant, or law enforcement officer whose
24 fingerprint identification cards are on file or maintained by
25 the Department of State Police. The Federal Bureau of
26 Investigation must provide the Board any criminal history

1 record information contained in its files pertaining to law
2 enforcement officers or any applicant to a Board certified
3 basic law enforcement academy as described in this Act based on
4 fingerprint identification. The Board must make payment of fees
5 to the Department of State Police for each fingerprint card
6 submission in conformance with the requirements of paragraph 22
7 of Section 55a of the Civil Administrative Code of Illinois.

8 (h) A police officer who has been certified or granted a
9 valid waiver shall also be decertified or have his or her
10 waiver revoked upon a determination by the Illinois Labor
11 Relations Board State Panel that he or she, while under oath,
12 has knowingly and willfully made false statements as to a
13 material fact going to an element of the offense of murder. If
14 an appeal is filed, the determination shall be stayed.

15 (1) In the case of an acquittal on a charge of murder,
16 a verified complaint may be filed:

17 (A) by the defendant; or

18 (B) by a police officer with personal knowledge of
19 perjured testimony.

20 The complaint must allege that a police officer, while under
21 oath, knowingly and willfully made false statements as to a
22 material fact going to an element of the offense of murder. The
23 verified complaint must be filed with the Executive Director of
24 the Illinois Law Enforcement Training Standards Board within 2
25 years of the judgment of acquittal.

26 (2) Within 30 days, the Executive Director of the

1 Illinois Law Enforcement Training Standards Board shall
2 review the verified complaint and determine whether the
3 verified complaint is frivolous and without merit, or
4 whether further investigation is warranted. The Illinois
5 Law Enforcement Training Standards Board shall notify the
6 officer and the Executive Director of the Illinois Labor
7 Relations Board State Panel of the filing of the complaint
8 and any action taken thereon. If the Executive Director of
9 the Illinois Law Enforcement Training Standards Board
10 determines that the verified complaint is frivolous and
11 without merit, it shall be dismissed. The Executive
12 Director of the Illinois Law Enforcement Training
13 Standards Board has sole discretion to make this
14 determination and this decision is not subject to appeal.

15 (i) If the Executive Director of the Illinois Law
16 Enforcement Training Standards Board determines that the
17 verified complaint warrants further investigation, he or she
18 shall refer the matter to a task force of investigators created
19 for this purpose. This task force shall consist of 8 sworn
20 police officers: 2 from the Illinois State Police, 2 from the
21 City of Chicago Police Department, 2 from county police
22 departments, and 2 from municipal police departments. These
23 investigators shall have a minimum of 5 years of experience in
24 conducting criminal investigations. The investigators shall be
25 appointed by the Executive Director of the Illinois Law
26 Enforcement Training Standards Board. Any officer or officers

1 acting in this capacity pursuant to this statutory provision
2 will have statewide police authority while acting in this
3 investigative capacity. Their salaries and expenses for the
4 time spent conducting investigations under this paragraph
5 shall be reimbursed by the Illinois Law Enforcement Training
6 Standards Board.

7 (j) Once the Executive Director of the Illinois Law
8 Enforcement Training Standards Board has determined that an
9 investigation is warranted, the verified complaint shall be
10 assigned to an investigator or investigators. The investigator
11 or investigators shall conduct an investigation of the verified
12 complaint and shall write a report of his or her findings. This
13 report shall be submitted to the Executive Director of the
14 Illinois Labor Relations Board State Panel.

15 Within 30 days, the Executive Director of the Illinois
16 Labor Relations Board State Panel shall review the
17 investigative report and determine whether sufficient evidence
18 exists to conduct an evidentiary hearing on the verified
19 complaint. If the Executive Director of the Illinois Labor
20 Relations Board State Panel determines upon his or her review
21 of the investigatory report that a hearing should not be
22 conducted, the complaint shall be dismissed. This decision is
23 in the Executive Director's sole discretion, and this dismissal
24 may not be appealed.

25 If the Executive Director of the Illinois Labor Relations
26 Board State Panel determines that there is sufficient evidence

1 to warrant a hearing, a hearing shall be ordered on the
2 verified complaint, to be conducted by an administrative law
3 judge employed by the Illinois Labor Relations Board State
4 Panel. The Executive Director of the Illinois Labor Relations
5 Board State Panel shall inform the Executive Director of the
6 Illinois Law Enforcement Training Standards Board and the
7 person who filed the complaint of either the dismissal of the
8 complaint or the issuance of the complaint for hearing. The
9 Executive Director shall assign the complaint to the
10 administrative law judge within 30 days of the decision
11 granting a hearing.

12 (k) In the case of a finding of guilt on the offense of
13 murder, if a new trial is granted on direct appeal, or a state
14 post-conviction evidentiary hearing is ordered, based on a
15 claim that a police officer, under oath, knowingly and
16 willfully made false statements as to a material fact going to
17 an element of the offense of murder, the Illinois Labor
18 Relations Board State Panel shall hold a hearing to determine
19 whether the officer should be decertified if an interested
20 party requests such a hearing within 2 years of the court's
21 decision. The complaint shall be assigned to an administrative
22 law judge within 30 days so that a hearing can be scheduled.

23 At the hearing, the accused officer shall be afforded the
24 opportunity to:

25 (1) Be represented by counsel of his or her own
26 choosing;

- 1 (2) Be heard in his or her own defense;
- 2 (3) Produce evidence in his or her defense;
- 3 (4) Request that the Illinois Labor Relations Board
- 4 State Panel compel the attendance of witnesses and
- 5 production of related documents including but not limited
- 6 to court documents and records.

7 Once a case has been set for hearing, the verified
8 complaint shall be referred to the Department of Financial and
9 Professional Regulation. That office shall prosecute the
10 verified complaint at the hearing before the administrative law
11 judge. The Department of Financial and Professional Regulation
12 shall have the opportunity to produce evidence to support the
13 verified complaint and to request the Illinois Labor Relations
14 Board State Panel to compel the attendance of witnesses and the
15 production of related documents, including, but not limited to,
16 court documents and records. The Illinois Labor Relations Board
17 State Panel shall have the power to issue subpoenas requiring
18 the attendance of and testimony of witnesses and the production
19 of related documents including, but not limited to, court
20 documents and records and shall have the power to administer
21 oaths.

22 The administrative law judge shall have the responsibility
23 of receiving into evidence relevant testimony and documents,
24 including court records, to support or disprove the allegations
25 made by the person filing the verified complaint and, at the
26 close of the case, hear arguments. If the administrative law

1 judge finds that there is not clear and convincing evidence to
2 support the verified complaint that the police officer has,
3 while under oath, knowingly and willfully made false statements
4 as to a material fact going to an element of the offense of
5 murder, the administrative law judge shall make a written
6 recommendation of dismissal to the Illinois Labor Relations
7 Board State Panel. If the administrative law judge finds that
8 there is clear and convincing evidence that the police officer
9 has, while under oath, knowingly and willfully made false
10 statements as to a material fact that goes to an element of the
11 offense of murder, the administrative law judge shall make a
12 written recommendation so concluding to the Illinois Labor
13 Relations Board State Panel. The hearings shall be transcribed.
14 The Executive Director of the Illinois Law Enforcement Training
15 Standards Board shall be informed of the administrative law
16 judge's recommended findings and decision and the Illinois
17 Labor Relations Board State Panel's subsequent review of the
18 recommendation.

19 (1) An officer named in any complaint filed pursuant to
20 this Act shall be indemnified for his or her reasonable
21 attorney's fees and costs by his or her employer. These fees
22 shall be paid in a regular and timely manner. The State, upon
23 application by the public employer, shall reimburse the public
24 employer for the accused officer's reasonable attorney's fees
25 and costs. At no time and under no circumstances will the
26 accused officer be required to pay his or her own reasonable

1 attorney's fees or costs.

2 (m) The accused officer shall not be placed on unpaid
3 status because of the filing or processing of the verified
4 complaint until there is a final non-appealable order
5 sustaining his or her guilt and his or her certification is
6 revoked. Nothing in this Act, however, restricts the public
7 employer from pursuing discipline against the officer in the
8 normal course and under procedures then in place.

9 (n) The Illinois Labor Relations Board State Panel shall
10 review the administrative law judge's recommended decision and
11 order and determine by a majority vote whether or not there was
12 clear and convincing evidence that the accused officer, while
13 under oath, knowingly and willfully made false statements as to
14 a material fact going to the offense of murder. Within 30 days
15 of service of the administrative law judge's recommended
16 decision and order, the parties may file exceptions to the
17 recommended decision and order and briefs in support of their
18 exceptions with the Illinois Labor Relations Board State Panel.
19 The parties may file responses to the exceptions and briefs in
20 support of the responses no later than 15 days after the
21 service of the exceptions. If exceptions are filed by any of
22 the parties, the Illinois Labor Relations Board State Panel
23 shall review the matter and make a finding to uphold, vacate,
24 or modify the recommended decision and order. If the Illinois
25 Labor Relations Board State Panel concludes that there is clear
26 and convincing evidence that the accused officer, while under

1 oath, knowingly and willfully made false statements as to a
2 material fact going to an element of the offense murder, the
3 Illinois Labor Relations Board State Panel shall inform the
4 Illinois Law Enforcement Training Standards Board and the
5 Illinois Law Enforcement Training Standards Board shall revoke
6 the accused officer's certification. If the accused officer
7 appeals that determination to the Appellate Court, as provided
8 by this Act, he or she may petition the Appellate Court to stay
9 the revocation of his or her certification pending the court's
10 review of the matter.

11 (o) None of the Illinois Labor Relations Board State
12 Panel's findings or determinations shall set any precedent in
13 any of its decisions decided pursuant to the Illinois Public
14 Labor Relations Act by the Illinois Labor Relations Board State
15 Panel or the courts.

16 (p) A party aggrieved by the final order of the Illinois
17 Labor Relations Board State Panel may apply for and obtain
18 judicial review of an order of the Illinois Labor Relations
19 Board State Panel, in accordance with the provisions of the
20 Administrative Review Law, except that such judicial review
21 shall be afforded directly in the Appellate Court for the
22 district in which the accused officer resides. Any direct
23 appeal to the Appellate Court shall be filed within 35 days
24 from the date that a copy of the decision sought to be reviewed
25 was served upon the party affected by the decision.

26 (q) Interested parties. Only interested parties to the

1 criminal prosecution in which the police officer allegedly,
2 while under oath, knowingly and willfully made false statements
3 as to a material fact going to an element of the offense of
4 murder may file a verified complaint pursuant to this Section.
5 For purposes of this Section, "interested parties" shall be
6 limited to the defendant and any police officer who has
7 personal knowledge that the police officer who is the subject
8 of the complaint has, while under oath, knowingly and willfully
9 made false statements as to a material fact going to an element
10 of the offense of murder.

11 (r) Semi-annual reports. The Executive Director of the
12 Illinois Labor Relations Board shall submit semi-annual
13 reports to the Governor, President, and Minority Leader of the
14 Senate, and to the Speaker and Minority Leader of the House of
15 Representatives beginning on June 30, 2004, indicating:

16 (1) the number of verified complaints received
17 since the date of the last report;

18 (2) the number of investigations initiated since
19 the date of the last report;

20 (3) the number of investigations concluded since
21 the date of the last report;

22 (4) the number of investigations pending as of the
23 reporting date;

24 (5) the number of hearings held since the date of
25 the last report; and

26 (6) the number of officers decertified since the

1 date of the last report.

2 (Source: P.A. 93-605, eff. 11-19-03; 93-655, eff. 1-20-04.)

3 Section 9150. The Counties Code is amended by changing
4 Sections 5-1079, 5-1123, and 5-31007 as follows:

5 (55 ILCS 5/5-1079) (from Ch. 34, par. 5-1079)

6 Sec. 5-1079. Liability insurance. A county board may insure
7 against any loss or liability of any officer, employee or agent
8 of the county resulting from the wrongful or negligent act of
9 any such officer, employee or agent while discharging and
10 engaged in his duties and functions and acting within the scope
11 of his duties and functions as an officer, employee or agent of
12 the county. Such insurance shall be carried with a company
13 authorized by the Department of Financial and Professional
14 Regulation or its predecessor, the Department of Insurance, to
15 write such coverage in Illinois.

16 (Source: P.A. 86-962.)

17 (55 ILCS 5/5-1123)

18 Sec. 5-1123. Builder or developer cash bond or other
19 surety.

20 (a) A county may not require a cash bond, irrevocable
21 letter of credit, surety bond, or letter of commitment issued
22 by a bank, savings and loan association, surety, or insurance
23 company from a builder or developer to guarantee completion of

1 a project improvement when the builder or developer has filed
2 with the county clerk a current, irrevocable letter of credit,
3 surety bond, or letter of commitment, issued by a bank, savings
4 and loan association, surety, or insurance company, deemed good
5 and sufficient by the county accepting such security, in an
6 amount equal to or greater than 110% of the amount of the bid
7 on each project improvement. A builder or developer has the
8 option to utilize a cash bond, irrevocable letter of credit,
9 surety bond, or letter of commitment issued by a bank, savings
10 and loan association, surety, or insurance company, deemed good
11 and sufficient by the county, to satisfy any cash bond
12 requirement established by a county. The county must approve
13 and deem a surety or insurance company good and sufficient for
14 the purposes set forth in this Section if the surety or
15 insurance company is authorized by the Department of Financial
16 and Professional Regulation or its predecessor, the Illinois
17 Department of Insurance, to sell and issue sureties in the
18 State of Illinois.

19 (b) If a county receives a cash bond, irrevocable letter of
20 credit, or surety bond from a builder or developer to guarantee
21 completion of a project improvement, the county shall (i)
22 register the bond under the address of the project and the
23 construction permit number and (ii) give the builder or
24 developer a receipt for the bond. The county shall establish
25 and maintain a separate account for all cash bonds received
26 from builders and developers to guarantee completion of a

1 project improvement.

2 (c) The county shall refund a cash bond to a builder or
3 developer, or release the irrevocable letter of credit or
4 surety bond, within 60 days after the builder or developer
5 notifies the county in writing of the completion of the project
6 improvement for which the bond was required. For these
7 purposes, "completion" means that the county has determined
8 that the project improvement for which the bond was required is
9 complete or a licensed engineer or licensed architect has
10 certified to the builder or developer and the county that the
11 project improvement has been completed to the applicable codes
12 and ordinances. The county shall pay interest to the builder or
13 developer, beginning 60 days after the builder or developer
14 notifies the county in writing of the completion of the project
15 improvement, on any bond not refunded to a builder or
16 developer, at the rate of 1% per month.

17 (d) A home rule county may not require or maintain cash
18 bonds, irrevocable letters of credit, surety bonds, or other
19 adequate securities from builders or developers in a manner
20 inconsistent with this Section. This Section supercedes and
21 controls over other provisions of this Code as they apply to
22 and guarantee completion of a project improvement that is
23 required by the county. This Section is a denial and limitation
24 under subsection (i) of Section 6 of Article VII of the
25 Illinois Constitution on the concurrent exercise by a home rule
26 county of powers and functions exercised by the State.

1 (Source: P.A. 92-479, eff. 1-1-02.)

2 (55 ILCS 5/5-31007) (from Ch. 34, par. 5-31007)

3 Sec. 5-31007. Funds. The board of any museum district, when
4 requested by the treasurer, shall designate a bank, banks or
5 other depository in which the funds received by the treasurer
6 may be placed.

7 Each designated depository shall furnish the museum
8 district with a copy of all statements of resources and
9 liabilities which it is required to furnish to the Secretary of
10 Financial and Professional Regulation ~~Commissioner of Banks~~
11 ~~and Real Estate~~ or to the Comptroller of the Currency. No bank
12 is qualified to receive museum district funds until it has
13 furnished the museum district with copies of the 2 most recent
14 statements.

15 The treasurer of the museum district shall be discharged
16 from responsibility for all funds while they are in a
17 designated bank or depository, except that the amount of such
18 deposits shall not exceed 75% of the capital stock and surplus
19 of such bank or depository. The treasurer shall not be
20 discharged from responsibility for any funds deposited in
21 excess of such limitation.

22 When a bank has been designated as a depository it shall
23 continue as such until 10 days after a new depository is
24 designated and is qualified. When a new depository is
25 designated, the museum district shall notify the sureties of

1 the treasurer of that fact in writing at least 5 days before
2 the transfer of funds.

3 (Source: P.A. 89-508, eff. 7-3-96.)

4 Section 9155. The Township Code is amended by changing
5 Section 30-42 as follows:

6 (60 ILCS 1/30-42)

7 Sec. 30-42. The board of trustees may provide for the
8 purchase of insurance, including coverage obtained from a risk
9 management association, against any loss or liability of any
10 officer, employee, or agent of the township resulting from the
11 wrongful or negligent act of any officer, employee, or agent
12 while discharging and engaged in his duties and functions and
13 acting within the scope of his duties and functions as an
14 officer, employee, or agent of the township. The insurance
15 shall be carried with a company authorized by the Department of
16 Financial and Professional Regulation or its predecessor, the
17 Department of Insurance, to write such coverage in Illinois.

18 (Source: Incorporates P.A. 88-294; 88-670, eff. 12-2-94.)

19 Section 9160. The Illinois Municipal Code is amended by
20 changing Sections 11-9-2, 11-23-11, and 11-39-3 as follows:

21 (65 ILCS 5/11-9-2) (from Ch. 24, par. 11-9-2)

22 Sec. 11-9-2. If he deems it necessary, the specified fire

1 inspector shall take, or cause to be taken, the sworn testimony
2 of all persons supposed to be cognizant of any facts or to have
3 means of knowledge in relation to the matters as to which an
4 examination is required by Section 11-9-1 to be made, and cause
5 the testimony to be reduced to writing. If the fire inspector
6 is of the opinion that there is evidence sufficient to charge a
7 person with the crime of arson, the fire inspector shall cause
8 that person to be arrested and charged with that offense. He
9 shall furnish to the state's attorney the names of the
10 witnesses and all information obtained by him, including a copy
11 of all pertinent and material testimony taken in the case. The
12 fire inspector shall report to the Secretary of Financial and
13 Professional Regulation ~~Director of Insurance~~, for the
14 Department of Financial and Professional Regulation ~~Insurance~~,
15 as that Secretary ~~Director~~ requires, his proceedings and the
16 progress made in all prosecutions of arson and the result of
17 all cases which are finally disposed of.

18 (Source: Laws 1961, p. 576.)

19 (65 ILCS 5/11-23-11) (from Ch. 24, par. 11-23-11)

20 Sec. 11-23-11. All physicians who are recognized as legal
21 practitioners by the Department of Financial and Professional
22 Regulation shall have equal privileges in treating patients in
23 such a hospital.

24 (Source: P.A. 85-1209.)

1 (65 ILCS 5/11-39-3)

2 Sec. 11-39-3. Builder or developer cash bond or other
3 surety.

4 (a) A municipality may not require a cash bond, irrevocable
5 letter of credit, surety bond, or letter of commitment issued
6 by a bank, savings and loan association, surety, or insurance
7 company from a builder or developer to guarantee completion of
8 a project improvement when the builder or developer has filed
9 with the municipal clerk a current, irrevocable letter of
10 credit, surety bond, or letter of commitment issued by a bank,
11 savings and loan association, surety, or insurance company,
12 deemed good and sufficient by the municipality accepting such
13 security, in an amount equal to or greater than 110% of the
14 amount of the bid on each project improvement. A builder or
15 developer has the option to utilize a cash bond, irrevocable
16 letter of credit, surety bond, or letter of commitment, issued
17 by a bank, savings and loan association, surety, or insurance
18 company, deemed good and sufficient by the municipality, to
19 satisfy any cash bond requirement established by a
20 municipality. Except for a municipality or county with a
21 population of 1,000,000 or more, the municipality must approve
22 and deem a surety or insurance company good and sufficient for
23 the purposes set forth in this Section if the surety or
24 insurance company is authorized by the Department of Financial
25 and Professional Regulation or its predecessor, the Illinois
26 Department of Insurance, to sell and issue sureties in the

1 State of Illinois.

2 (b) If a municipality receives a cash bond, irrevocable
3 letter of credit, or surety bond from a builder or developer to
4 guarantee completion of a project improvement, the
5 municipality shall (i) register the bond under the address of
6 the project and the construction permit number and (ii) give
7 the builder or developer a receipt for the bond. The
8 municipality shall establish and maintain a separate account
9 for all cash bonds received from builders and developers to
10 guarantee completion of a project improvement.

11 (c) The municipality shall refund a cash bond to a builder
12 or developer, or release the irrevocable letter of credit or
13 surety bond within 60 days after the builder or developer
14 notifies the municipality in writing of the completion of the
15 project improvement for which the bond was required. For these
16 purposes, "completion" means that the municipality has
17 determined that the project improvement for which the bond was
18 required is complete or a licensed engineer or licensed
19 architect has certified to the builder or developer and the
20 municipality that the project improvement has been completed to
21 the applicable codes and ordinances. The municipality shall pay
22 interest to the builder or developer, beginning 60 days after
23 builder or developer notifies the municipality in writing of
24 the completion of the project improvement, on any bond not
25 refunded to a builder or developer, at the rate of 1% per
26 month.

1 (d) A home rule municipality may not require or maintain
2 cash bonds, irrevocable letters of credit, surety bonds, or
3 letters of commitment issued by a bank, savings and loan
4 association, surety, or insurance company from builders or
5 developers in a manner inconsistent with this Section. This
6 Section supercedes and controls over other provisions of this
7 Code as they apply to and guarantee completion of a project
8 improvement that is required by the municipality, regardless of
9 whether the project improvement is a condition of annexation
10 agreements. This Section is a denial and limitation under
11 subsection (i) of Section 6 of Article VII of the Illinois
12 Constitution on the concurrent exercise by a home rule
13 municipality of powers and functions exercised by the State.

14 (Source: P.A. 92-479, eff. 1-1-02.)

15 Section 9165. The Conservation District Act is amended by
16 changing Section 7 as follows:

17 (70 ILCS 410/7) (from Ch. 96 1/2, par. 7107)

18 Sec. 7. Deposits. The board of any district, when so
19 requested by the treasurer of the district, shall designate one
20 or more banks or savings and loan associations in which the
21 funds and moneys received by the treasurer, by virtue of his
22 office, may be deposited.

23 Each bank or savings and loan association designated as a
24 depository for district funds or moneys shall, while acting as

1 such depository, furnish the district with a copy of all
2 statements of resources and liabilities which it is required to
3 furnish to the Secretary of Financial and Professional
4 Regulation ~~Commissioner of Banks and Real Estate~~ or to the
5 Comptroller of the Currency and no bank is qualified to receive
6 such district funds or moneys until it has furnished the
7 district with copies of the last 2 such statements.

8 The treasurer of the district shall be discharged from
9 responsibility for all funds and moneys while they are
10 deposited in a designated bank or savings and loan association.

11 No bank or savings and loan association shall receive
12 public funds as permitted by this Section, unless it has
13 complied with the requirements established pursuant to Section
14 6 of the Public Funds Investment Act.

15 When a bank or savings and loan association has been
16 designated as a depository it shall continue as such until 10
17 days have elapsed after a new depository is designated and is
18 qualified. When a new depository is designated, the district
19 shall notify the sureties of the treasurer of that fact in
20 writing at least 5 days before the transfer of funds.

21 (Source: P.A. 89-508, eff. 7-3-96.)

22 Section 9170. The School Code is amended by changing
23 Sections 3-15.12 and 14-6.03 as follows:

24 (105 ILCS 5/3-15.12) (from Ch. 122, par. 3-15.12)

1 (Text of Section before amendment by P.A. 95-609)

2 Sec. 3-15.12. High school equivalency testing program. The
3 regional superintendent of schools shall make available for
4 qualified individuals residing within the region a High School
5 Equivalency Testing Program. For that purpose the regional
6 superintendent alone or with other regional superintendents
7 may establish and supervise a testing center or centers to
8 administer the secure forms of the high school level Test of
9 General Educational Development to qualified persons. Such
10 centers shall be under the supervision of the regional
11 superintendent in whose region such centers are located,
12 subject to the approval of the President of the Illinois
13 Community College Board.

14 An individual is eligible to apply to the regional
15 superintendent of schools for the region in which he resides if
16 he is: (a) a person who is 18 years of age or older, has
17 maintained residence in the State of Illinois and is not a high
18 school graduate, but whose high school class has graduated; (b)
19 a member of the armed forces of the United States on active
20 duty who is 17 years of age or older and who is stationed in
21 Illinois or is a legal resident of Illinois; (c) a ward of the
22 Department of Corrections who is 17 years of age or older or an
23 inmate confined in any branch of the Illinois State
24 Penitentiary or in a county correctional facility who is 17
25 years of age or older; (d) a female who is 17 years of age or
26 older who is unable to attend school because she is either

1 pregnant or the mother of one or more children; (e) a male 17
2 years of age or older who is unable to attend school because he
3 is a father of one or more children; (f) a person who is
4 successfully completing an alternative education program under
5 Section 2-3.81, Article 13A, or Article 13B; (g) a person who
6 is enrolled in a youth education program sponsored by the
7 Illinois National Guard; or (h) a person who is 17 years of age
8 or older who has been a dropout for a period of at least one
9 year. For purposes of this Section, residence is that abode
10 which the applicant considers his home. Applicants may provide
11 as sufficient proof of such residence a picture identification
12 card and two pieces of correctly addressed and postmarked mail.
13 Such regional superintendent shall determine if the applicant
14 meets statutory and regulatory state standards. If qualified
15 the applicant shall at the time of such application pay a fee
16 established by the Illinois Community College Board, which fee
17 shall be paid into a special fund under the control and
18 supervision of the regional superintendent. Such moneys
19 received by the regional superintendent shall be used, first,
20 for the expenses incurred in administering and scoring the
21 examination, and next for other educational programs that are
22 developed and designed by the regional superintendent of
23 schools to assist those who successfully complete the high
24 school level test of General Education Development in
25 furthering their academic development or their ability to
26 secure and retain gainful employment, including programs for

1 the competitive award based on test scores of college or adult
2 education scholarship grants or similar educational
3 incentives. Any excess moneys shall be paid into the institute
4 fund.

5 Any applicant who has achieved the minimum passing
6 standards as established by the Illinois Community College
7 Board shall be notified in writing by the regional
8 superintendent and shall be issued a high school equivalency
9 certificate on the forms provided by the Illinois Community
10 College Board. The regional superintendent shall then certify
11 to the Illinois Community College Board the score of the
12 applicant and such other and additional information that may be
13 required by the Illinois Community College Board. The moneys
14 received therefrom shall be used in the same manner as provided
15 for in this Section.

16 Any applicant who has attained the age of 18 years and
17 maintained residence in the State of Illinois and is not a high
18 school graduate but whose high school class has graduated, any
19 ward of the Department of Corrections who has attained the age
20 of 17 years, any inmate confined in any branch of the Illinois
21 State Penitentiary or in a county correctional facility who has
22 attained the age of 17 years, any member of the armed forces of
23 the United States on active duty who has attained the age of 17
24 years and who is stationed in Illinois or is a legal resident
25 of Illinois, any female who has attained the age of 17 years
26 and is either pregnant or the mother of one or more children,

1 any male who has attained the age of 17 years and is the father
2 of one or more children, or any person who has successfully
3 completed an alternative education program under Section
4 2-3.81, Article 13A, or Article 13B is eligible to apply for a
5 high school equivalency certificate (if he or she meets the
6 requirements prescribed by the Illinois Community College
7 Board) upon showing evidence that he or she has completed,
8 successfully, the high school level General Educational
9 Development Tests, administered by the United States Armed
10 Forces Institute, official GED Centers established in other
11 states, or at Veterans' Administration Hospitals or the office
12 of the State Superintendent of Education administered for the
13 Illinois State Penitentiary System and the Department of
14 Corrections. Such applicant shall apply to the regional
15 superintendent of the region wherein he has maintained
16 residence, and upon payment of a fee established by the
17 Illinois Community College Board the regional superintendent
18 shall issue a high school equivalency certificate, and
19 immediately thereafter certify to the Illinois Community
20 College Board the score of the applicant and such other and
21 additional information as may be required by the Illinois
22 Community College Board.

23 Notwithstanding the provisions of this Section, any
24 applicant who has been out of school for at least one year may
25 request the regional superintendent of schools to administer
26 the restricted GED test upon written request of: The director

1 of a program who certifies to the Chief Examiner of an official
2 GED center that the applicant has completed a program of
3 instruction provided by such agencies as the Job Corps, the
4 Postal Service Academy or apprenticeship training program; an
5 employer or program director for purposes of entry into
6 apprenticeship programs; another State Department of Education
7 in order to meet regulations established by that Department of
8 Education, a post high school educational institution for
9 purposes of admission, the Department of Financial and
10 Professional Regulation (as the successor of the Department of
11 Professional Regulation) for licensing purposes, or the Armed
12 Forces for induction purposes. The regional superintendent
13 shall administer such test and the applicant shall be notified
14 in writing that he is eligible to receive the Illinois High
15 School Equivalency Certificate upon reaching age 18, provided
16 he meets the standards established by the Illinois Community
17 College Board.

18 Any test administered under this Section to an applicant
19 who does not speak and understand English may at the discretion
20 of the administering agency be given and answered in any
21 language in which the test is printed. The regional
22 superintendent of schools may waive any fees required by this
23 Section in case of hardship.

24 In counties of over 3,000,000 population a GED certificate
25 shall contain the signatures of the President of the Illinois
26 Community College Board, the superintendent, president or

1 other chief executive officer of the institution where GED
2 instruction occurred and any other signatures authorized by the
3 Illinois Community College Board.

4 The regional superintendent of schools shall furnish the
5 Illinois Community College Board with any information that the
6 Illinois Community College Board requests with regard to
7 testing and certificates under this Section.

8 (Source: P.A. 94-108, eff. 7-1-05.)

9 (Text of Section after amendment by P.A. 95-609)

10 Sec. 3-15.12. High school equivalency testing program. The
11 regional superintendent of schools shall make available for
12 qualified individuals residing within the region a High School
13 Equivalency Testing Program. For that purpose the regional
14 superintendent alone or with other regional superintendents
15 may establish and supervise a testing center or centers to
16 administer the secure forms of the high school level Test of
17 General Educational Development to qualified persons. Such
18 centers shall be under the supervision of the regional
19 superintendent in whose region such centers are located,
20 subject to the approval of the President of the Illinois
21 Community College Board.

22 An individual is eligible to apply to the regional
23 superintendent of schools for the region in which he or she
24 resides if he or she is: (a) a person who is 17 years of age or
25 older, has maintained residence in the State of Illinois, and

1 is not a high school graduate; (b) a person who is successfully
2 completing an alternative education program under Section
3 2-3.81, Article 13A, or Article 13B; or (c) a person who is
4 enrolled in a youth education program sponsored by the Illinois
5 National Guard. For purposes of this Section, residence is that
6 abode which the applicant considers his or her home. Applicants
7 may provide as sufficient proof of such residence and as an
8 acceptable form of identification a driver's license, valid
9 passport, military ID, or other form of government-issued
10 national or foreign identification that shows the applicant's
11 name, address, date of birth, signature, and photograph or
12 other acceptable identification as may be allowed by law or as
13 regulated by the Illinois Community College Board. Such
14 regional superintendent shall determine if the applicant meets
15 statutory and regulatory state standards. If qualified the
16 applicant shall at the time of such application pay a fee
17 established by the Illinois Community College Board, which fee
18 shall be paid into a special fund under the control and
19 supervision of the regional superintendent. Such moneys
20 received by the regional superintendent shall be used, first,
21 for the expenses incurred in administering and scoring the
22 examination, and next for other educational programs that are
23 developed and designed by the regional superintendent of
24 schools to assist those who successfully complete the high
25 school level test of General Education Development in
26 furthering their academic development or their ability to

1 secure and retain gainful employment, including programs for
2 the competitive award based on test scores of college or adult
3 education scholarship grants or similar educational
4 incentives. Any excess moneys shall be paid into the institute
5 fund.

6 Any applicant who has achieved the minimum passing
7 standards as established by the Illinois Community College
8 Board shall be notified in writing by the regional
9 superintendent and shall be issued a high school equivalency
10 certificate on the forms provided by the Illinois Community
11 College Board. The regional superintendent shall then certify
12 to the Illinois Community College Board the score of the
13 applicant and such other and additional information that may be
14 required by the Illinois Community College Board. The moneys
15 received therefrom shall be used in the same manner as provided
16 for in this Section.

17 Any applicant who has attained the age of 17 years and
18 maintained residence in the State of Illinois and is not a high
19 school graduate, any person who has enrolled in a youth
20 education program sponsored by the Illinois National Guard, or
21 any person who has successfully completed an alternative
22 education program under Section 2-3.81, Article 13A, or Article
23 13B is eligible to apply for a high school equivalency
24 certificate (if he or she meets the requirements prescribed by
25 the Illinois Community College Board) upon showing evidence
26 that he or she has completed, successfully, the high school

1 level General Educational Development Tests, administered by
2 the United States Armed Forces Institute, official GED Centers
3 established in other states, or at Veterans' Administration
4 Hospitals or the office of the State Superintendent of
5 Education administered for the Illinois State Penitentiary
6 System and the Department of Corrections. Such applicant shall
7 apply to the regional superintendent of the region wherein he
8 has maintained residence, and upon payment of a fee established
9 by the Illinois Community College Board the regional
10 superintendent shall issue a high school equivalency
11 certificate, and immediately thereafter certify to the
12 Illinois Community College Board the score of the applicant and
13 such other and additional information as may be required by the
14 Illinois Community College Board.

15 Notwithstanding the provisions of this Section, any
16 applicant who has been out of school for at least one year may
17 request the regional superintendent of schools to administer
18 the restricted GED test upon written request of: The director
19 of a program who certifies to the Chief Examiner of an official
20 GED center that the applicant has completed a program of
21 instruction provided by such agencies as the Job Corps, the
22 Postal Service Academy or apprenticeship training program; an
23 employer or program director for purposes of entry into
24 apprenticeship programs; another State Department of Education
25 in order to meet regulations established by that Department of
26 Education, a post high school educational institution for

1 purposes of admission, the Department of Financial and
2 Professional Regulation (as the successor of the Department of
3 Professional Regulation) for licensing purposes, or the Armed
4 Forces for induction purposes. The regional superintendent
5 shall administer such test and the applicant shall be notified
6 in writing that he is eligible to receive the Illinois High
7 School Equivalency Certificate upon reaching age 17, provided
8 he meets the standards established by the Illinois Community
9 College Board.

10 Any test administered under this Section to an applicant
11 who does not speak and understand English may at the discretion
12 of the administering agency be given and answered in any
13 language in which the test is printed. The regional
14 superintendent of schools may waive any fees required by this
15 Section in case of hardship.

16 In counties of over 3,000,000 population a GED certificate
17 shall contain the signatures of the President of the Illinois
18 Community College Board, the superintendent, president or
19 other chief executive officer of the institution where GED
20 instruction occurred and any other signatures authorized by the
21 Illinois Community College Board.

22 The regional superintendent of schools shall furnish the
23 Illinois Community College Board with any information that the
24 Illinois Community College Board requests with regard to
25 testing and certificates under this Section.

26 (Source: P.A. 94-108, eff. 7-1-05; 95-609, eff. 6-1-08.)

1 (105 ILCS 5/14-6.03)

2 Sec. 14-6.03. Speech-language pathology assistants.

3 (a) Except as otherwise provided in this subsection, on or
4 after January 1, 2002, no person shall perform the duties of a
5 speech-language pathology assistant without first applying for
6 and receiving a license for that purpose from the Department of
7 Professional Regulation or its successor, the Department of
8 Financial and Professional Regulation. A person employed as a
9 speech-language pathology assistant in any class, service, or
10 program authorized by this Article may perform only those
11 duties authorized by this Section under the supervision of a
12 speech-language pathologist as provided in this Section. This
13 Section does not apply to speech-language pathology
14 paraprofessionals approved by the State Board of Education.

15 (b) A speech-language pathology assistant may not be
16 assigned his or her own student caseload. The student caseload
17 limit of a speech-language pathologist who supervises any
18 speech-language pathology assistants shall be determined by
19 the severity of the needs of the students served by the
20 speech-language pathologist. A full-time speech-language
21 pathologist's caseload limit may not exceed 80 students (60
22 students on or after September 1, 2003) at any time. The
23 caseload limit of a part-time speech-language pathologist
24 shall be determined by multiplying the caseload limit of a
25 full-time speech-language pathologist by a percentage that

1 equals the number of hours worked by the part-time
2 speech-language pathologist divided by the number of hours
3 worked by a full-time speech-language pathologist in that
4 school district. Employment of a speech-language pathology
5 assistant may not increase or decrease the caseload of the
6 supervising speech-language pathologist.

7 (c) A school district that intends to utilize the services
8 of a speech-language pathology assistant must provide written
9 notification to the parent or guardian of each student who will
10 be served by a speech-language pathology assistant.

11 (d) The scope of responsibility of a speech-language
12 pathology assistant shall be limited to supplementing the role
13 of the speech-language pathologist in implementing the
14 treatment program established by a speech-language
15 pathologist. The functions and duties of a speech-language
16 pathology assistant shall be limited to the following:

17 (1) Conducting speech-language screening, without
18 interpretation, and using screening protocols selected by
19 the supervising speech-language pathologist.

20 (2) Providing direct treatment assistance to students
21 under the supervision of a speech-language pathologist.

22 (3) Following and implementing documented treatment
23 plans or protocols developed by a supervising
24 speech-language pathologist.

25 (4) Documenting student progress toward meeting
26 established objectives, and reporting the information to a

1 supervising speech-language pathologist.

2 (5) Assisting a speech-language pathologist during
3 assessments, including, but not limited to, assisting with
4 formal documentation, preparing materials, and performing
5 clerical duties for a supervising speech-language
6 pathologist.

7 (6) Acting as an interpreter for non-English speaking
8 students and their family members when competent to do so.

9 (7) Scheduling activities and preparing charts,
10 records, graphs, and data.

11 (8) Performing checks and maintenance of equipment,
12 including, but not limited to, augmentative communication
13 devices.

14 (9) Assisting with speech-language pathology research
15 projects, in-service training, and family or community
16 education.

17 (e) A speech-language pathology assistant may not:

18 (1) perform standardized or nonstandardized diagnostic
19 tests or formal or informal evaluations or interpret test
20 results;

21 (2) screen or diagnose students for feeding or
22 swallowing disorders;

23 (3) participate in parent conferences, case
24 conferences, or any interdisciplinary team without the
25 presence of the supervising speech-language pathologist;

26 (4) provide student or family counseling;

1 (5) write, develop, or modify a student's
2 individualized treatment plan;

3 (6) assist with students without following the
4 individualized treatment plan prepared by the supervising
5 speech-language pathologist;

6 (7) sign any formal documents, such as treatment plans,
7 reimbursement forms, or reports;

8 (8) select students for services;

9 (9) discharge a student from services;

10 (10) disclose clinical or confidential information,
11 either orally or in writing, to anyone other than the
12 supervising speech-language pathologist;

13 (11) make referrals for additional services;

14 (12) counsel or consult with the student, family, or
15 others regarding the student's status or service;

16 (13) represent himself or herself to be a
17 speech-language pathologist or a speech therapist;

18 (14) use a checklist or tabulate results of feeding or
19 swallowing evaluations; or

20 (15) demonstrate swallowing strategies or precautions
21 to students, family, or staff.

22 (f) A speech-language pathology assistant shall practice
23 only under the supervision of a speech-language pathologist who
24 has at least 2 years experience in addition to the supervised
25 professional experience required under subsection (f) of
26 Section 8 of the Illinois Speech-Language Pathology and

1 Audiology Practice Act. A speech-language pathologist who
2 supervises a speech-language pathology assistant must have
3 completed at least 10 clock hours of training in the
4 supervision of speech-language pathology assistants. The State
5 Board of Education shall promulgate rules describing the
6 supervision training requirements. The rules may allow a
7 speech-language pathologist to apply to the State Board of
8 Education for an exemption from this training requirement based
9 upon prior supervisory experience.

10 (g) A speech-language pathology assistant must be under the
11 direct supervision of a speech-language pathologist at least
12 30% of the speech-language pathology assistant's actual
13 student contact time per student for the first 90 days of
14 initial employment as a speech-language pathology assistant.
15 Thereafter, the speech-language pathology assistant must be
16 under the direct supervision of a speech-language pathologist
17 at least 20% of the speech-language pathology assistant's
18 actual student contact time per student. Supervision of a
19 speech-language pathology assistant beyond the minimum
20 requirements of this subsection may be imposed at the
21 discretion of the supervising speech-language pathologist. A
22 supervising speech-language pathologist must be available to
23 communicate with a speech-language pathology assistant
24 whenever the assistant is in contact with a student.

25 (h) A speech-language pathologist that supervises a
26 speech-language pathology assistant must document direct

1 supervision activities. At a minimum, supervision
2 documentation must provide (i) information regarding the
3 quality of the speech-language pathology assistant's
4 performance of assigned duties and (ii) verification that
5 clinical activity is limited to duties specified in this
6 Section.

7 (i) A full-time speech-language pathologist may supervise
8 no more than 2 speech-language pathology assistants. A
9 speech-language pathologist that does not work full-time may
10 supervise no more than one speech-language pathology
11 assistant.

12 (Source: P.A. 92-510, eff. 6-1-02.)

13 Section 9180. The Higher Education Student Assistance Act
14 is amended by changing Sections 65.70 and 87 as follows:

15 (110 ILCS 947/65.70)

16 Sec. 65.70. Optometric Education Scholarship Program.

17 (a) The General Assembly finds and declares that the
18 provision of graduate education leading to a doctoral degree in
19 optometry for persons of this State who desire such an
20 education is important to the health and welfare of this State
21 and Nation and, consequently, is an important public purpose.
22 Many qualified potential optometrists are deterred by
23 financial considerations from pursuing their optometric
24 education with consequent irreparable loss to the State and

1 Nation of talents vital to health and welfare. A program of
2 scholarships, repayment of which may be excused if the
3 individual practices professional optometry in this State,
4 will enable such individuals to attend qualified public or
5 private institutions of their choice in the State.

6 (b) Beginning with the 2003-2004 academic year, the
7 Commission shall, each year, consider applications for
8 scholarship assistance under this Section. An applicant is
9 eligible for a scholarship under this Section if the Commission
10 finds that the applicant is:

- 11 (1) a United States citizen or eligible noncitizen;
- 12 (2) a resident of Illinois; and
- 13 (3) enrolled on a full-time basis in a public or
14 private college of optometry located in this State that
15 awards a doctorate degree in optometry and is approved by
16 the Department of Financial and Professional Regulation.

17 (c) Each year the Commission shall award 10 scholarships
18 under this Section among applicants qualified pursuant to
19 subsection (b). Two of these scholarships each shall be awarded
20 to eligible applicants enrolled in their first year, second
21 year, third year, and fourth year. The remaining 2 scholarships
22 shall be awarded to any level of student. The Commission shall
23 receive funding for the scholarships through appropriations
24 from the Optometric Licensing and Disciplinary Board Fund. If
25 in any year the number of qualified applicants exceeds the
26 number of scholarships to be awarded, the Commission shall give

1 priority in awarding scholarships to students demonstrating
2 exceptional merit and who are in financial need. A scholarship
3 shall be in the amount of \$5,000 each year applicable to
4 tuition and fees.

5 (d) The total amount of scholarship assistance awarded by
6 the Commission under this Section to an individual in any given
7 fiscal year, when added to other financial assistance awarded
8 to that individual for that year, shall not exceed the cost of
9 attendance at the institution at which the student is enrolled.

10 (e) A recipient may receive up to 8 semesters or 12
11 quarters of scholarship assistance under this Section.

12 (f) Subject to a separate appropriation made for such
13 purposes, payment of any scholarship awarded under this Section
14 shall be determined by the Commission. All scholarship funds
15 distributed in accordance with this Section shall be paid to
16 the institution on behalf of the recipients. Scholarship funds
17 are applicable toward 2 semesters or 3 quarters of enrollment
18 within an academic year.

19 (g) The Commission shall administer the Optometric
20 Education Scholarship Program established by this Section and
21 shall make all necessary and proper rules not inconsistent with
22 this Section for its effective implementation.

23 (h) Prior to receiving scholarship assistance for any
24 academic year, each recipient of a scholarship awarded under
25 this Section shall be required by the Commission to sign an
26 agreement under which the recipient pledges that, within the

1 one-year period following the termination of the academic
2 program for which the recipient was awarded a scholarship, the
3 recipient shall practice in this State as a licensed
4 optometrist under the Illinois Optometric Practice Act of 1987
5 for a period of not less than one year for each year of
6 scholarship assistance awarded under this Section. Each
7 recipient shall, upon request of the Commission, provide the
8 Commission with evidence that he or she is fulfilling or has
9 fulfilled the terms of the practice agreement provided for in
10 this subsection.

11 (i) If a recipient of a scholarship awarded under this
12 Section fails to fulfill the practice obligation set forth in
13 subsection (h) of this Section, the Commission shall require
14 the recipient to repay the amount of the scholarships received,
15 prorated according to the fraction of the obligation not
16 completed, plus interest at a rate of 5% and, if applicable,
17 reasonable collection fees. The Commission is authorized to
18 establish rules relating to its collection activities for
19 repayment of scholarships under this Section.

20 (j) A recipient of a scholarship awarded by the Commission
21 under this Section shall not be in violation of the agreement
22 entered into pursuant to subsection (h) if the recipient (i) is
23 serving as a member of the armed services of the United States;
24 (ii) is enrolled in a residency program following graduation at
25 an approved institution; (iii) is temporarily totally
26 disabled, as established by sworn affidavit of a qualified

1 physician; or (iii) cannot fulfill the employment obligation
2 due to his or her death, disability, or incompetency, as
3 established by sworn affidavit of a qualified physician. No
4 claim for repayment may be filed against the estate of such a
5 decedent or incompetent. Any extension of the period during
6 which the employment requirement must be fulfilled shall be
7 subject to limitations of duration as established by the
8 Commission.

9 (Source: P.A. 92-569, eff. 6-26-02.)

10 (110 ILCS 947/87)

11 Sec. 87. Coordination of reviews. In accordance with the
12 Federal Higher Education Act of 1965, as amended, the
13 Commission is designated as the Illinois agency ultimately
14 responsible for the coordination of reviews of Illinois
15 postsecondary institutions in cooperation with the Board of
16 Higher Education, State Board of Education, Department of
17 Financial and Professional Regulation, Secretary of State,
18 Department of Transportation and other appropriate State
19 agencies. As such, the Commission is granted the powers and
20 duties necessary for the proper implementation and execution of
21 these functions, including rulemaking.

22 The eligibility of schools to operate in Illinois shall be
23 determined in accordance with audit and review information
24 provided by the Commission to the appropriate State agencies.
25 These eligibility audits shall apply rules that are consistent

1 with those of the Federal Higher Education Act concerning
2 institutional eligibility and program integrity.

3 The Commission is authorized to provide or coordinate with
4 the Board of Higher Education, State Board of Education, the
5 Department of Financial and Professional Regulation, Secretary
6 of State, Department of Transportation and other involved
7 agencies, administration of institutional reviews for all
8 institutions participating in the Federal Title IV Financial
9 Aid programs:

- 10 1. at least once every 3 years;
- 11 2. at least once a year when it appears a school is out
12 of, or will soon be out of, compliance with stated
13 eligibility standards; and
- 14 3. within 2 months of, or as soon as practicable
15 following, a request from a State or Federal agency citing
16 questionable activities or changes in the school's
17 financial, operations or management status or practices.

18 Federal funds provided through the United States
19 Department of Education are to be used in enabling the
20 Commission and other appropriate State agencies to conduct the
21 oversight activities prescribed in this Section.

22 (Source: P.A. 88-483.)

23 Section 9185. The Nursing Education Scholarship Law is
24 amended by changing Sections 3 and 4 as follows:

1 (110 ILCS 975/3) (from Ch. 144, par. 2753)

2 Sec. 3. Definitions.

3 The following terms, whenever used or referred to, have the
4 following meanings except where the context clearly indicates
5 otherwise:

6 (1) "Board" means the Board of Higher Education created by
7 the Board of Higher Education Act.

8 (2) "Department" means the Illinois Department of Public
9 Health.

10 (3) "Approved institution" means a public community
11 college, private junior college, hospital-based diploma in
12 nursing program, or public or private college or university
13 located in this State that has approval by the Department of
14 Financial and Professional Regulation for an associate degree
15 in nursing program, associate degree in applied sciences in
16 nursing program, hospital-based diploma in nursing program,
17 baccalaureate degree in nursing program, graduate degree in
18 nursing program, or certificate in practical nursing program.

19 (4) "Baccalaureate degree in nursing program" means a
20 program offered by an approved institution and leading to a
21 bachelor of science degree in nursing.

22 (5) "Enrollment" means the establishment and maintenance
23 of an individual's status as a student in an approved
24 institution, regardless of the terms used at the institution to
25 describe such status.

26 (6) "Academic year" means the period of time from September

1 of one year through August 31 of the next year or as
2 otherwise defined by the academic institution.

3 (7) "Associate degree in nursing program or hospital-based
4 diploma in nursing program" means a program offered by an
5 approved institution and leading to an associate degree in
6 nursing, associate degree in applied sciences in nursing, or
7 hospital-based diploma in nursing.

8 (8) "Graduate degree in nursing program" means a program
9 offered by an approved institution and leading to a master of
10 science degree in nursing or a doctorate of philosophy or
11 doctorate of nursing degree in nursing.

12 (9) "Director" means the Director of the Illinois
13 Department of Public Health.

14 (10) "Accepted for admission" means a student has completed
15 the requirements for entry into an associate degree in nursing
16 program, associate degree in applied sciences in nursing
17 program, hospital-based diploma in nursing program,
18 baccalaureate degree in nursing program, graduate degree in
19 nursing program, or certificate in practical nursing program at
20 an approved institution, as documented by the institution.

21 (11) "Fees" means those mandatory charges, in addition to
22 tuition, that all enrolled students must pay, including
23 required course or lab fees.

24 (12) "Full-time student" means a student enrolled for at
25 least 12 hours per term or as otherwise determined by the
26 academic institution.

1 (13) "Law" means the Nursing Education Scholarship Law.

2 (14) "Nursing employment obligation" means employment in
3 this State as a registered professional nurse or licensed
4 practical nurse in direct patient care or as a nurse educator
5 in the case of a graduate degree in nursing program recipient
6 for at least one year for each year of scholarship assistance
7 received through the Nursing Education Scholarship Program.

8 (15) "Part-time student" means a person who is enrolled for
9 at least one-third of the number of hours required per term by
10 a school for its full-time students.

11 (16) "Practical nursing program" means a program offered by
12 an approved institution leading to a certificate in practical
13 nursing.

14 (17) "Registered professional nurse" means a person who is
15 currently licensed as a registered professional nurse by the
16 Department of Financial and Professional Regulation or its
17 predecessor, the Department of Professional Regulation, under
18 the Nurse Practice Act.

19 (18) "Licensed practical nurse" means a person who is
20 currently licensed as a licensed practical nurse by the
21 Department of Financial and Professional Regulation or its
22 predecessor, the Department of Professional Regulation, under
23 the Nurse Practice Act.

24 (19) "School term" means an academic term, such as a
25 semester, quarter, trimester, or number of clock hours, as
26 defined by an approved institution.

1 (20) "Student in good standing" means a student maintaining
2 a cumulative grade point average equivalent to at least the
3 academic grade of a "C".

4 (21) "Total and permanent disability" means a physical or
5 mental impairment, disease, or loss of a permanent nature that
6 prevents nursing employment with or without reasonable
7 accommodation. Proof of disability shall be a declaration from
8 the social security administration, Illinois Workers'
9 Compensation Commission, Department of Defense, or an insurer
10 authorized to transact business in Illinois who is providing
11 disability insurance coverage to a contractor.

12 (22) "Tuition" means the established charges of an
13 institution of higher learning for instruction at that
14 institution.

15 (23) "Nurse educator" means a person who is currently
16 licensed as a registered nurse by the Department of Financial
17 and Professional Regulation or its predecessor, the Department
18 of Professional Regulation, under the Nurse Practice Act, who
19 has a graduate degree in nursing, and who is employed by an
20 approved academic institution to educate registered nursing
21 students, licensed practical nursing students, and registered
22 nurses pursuing graduate degrees.

23 (Source: P.A. 95-331, eff. 8-21-07; 95-639, eff. 10-5-07.)

24 (110 ILCS 975/4) (from Ch. 144, par. 2754)

25 Sec. 4. Functions of Department. The Department shall

1 prepare and supervise the issuance of public information about
2 the provisions of this Article; prescribe the form and regulate
3 the submission of applications for scholarships; determine the
4 eligibility of applicants; award the appropriate scholarships;
5 prescribe the contracts or other acknowledgments of
6 scholarship which an applicant is required to execute; and
7 determine whether all or any part of a recipient's scholarship
8 needs to be monetarily repaid, or has been excused from
9 repayment, and the extent of any repayment or excused
10 repayment. The Department may require a recipient to reimburse
11 the State for expenses, including but not limited to attorney's
12 fees, incurred by the Department or other agent of the State
13 for a successful legal action against the recipient for a
14 breach of any provision of the scholarship contract. In a
15 breach of contract, the Department may utilize referral to the
16 Department of Financial and Professional Regulation to revoke,
17 suspend, refuse to renew, place on probationary status, or take
18 other disciplinary action concerning the recipient's
19 credentials. The Department is authorized to make all necessary
20 and proper rules, not inconsistent with this Article, for the
21 efficient exercise of the foregoing functions.

22 (Source: P.A. 92-43, eff. 1-1-02.)

23 Section 9190. The Illinois Banking Act is amended by adding
24 Section 1.5 and changing Section 48 as follows:

1 (205 ILCS 5/1.5 new)

2 Sec. 1.5. References to Office or Commissioner of Banks and
3 Real Estate. On and after the effective date of this amendatory
4 Act of the 95th General Assembly:

5 (1) References in this Act to the Office of Banks and
6 Real Estate or "the Office" mean the Department of
7 Financial and Professional Regulation.

8 (2) References in this Act to the Commissioner of Banks
9 and Real Estate or "the Commissioner" mean the Secretary of
10 Financial and Professional Regulation.

11 (205 ILCS 5/48) (from Ch. 17, par. 359)

12 Sec. 48. Commissioner's powers; duties. The Commissioner
13 shall have the powers and authority, and is charged with the
14 duties and responsibilities designated in this Act, and a State
15 bank shall not be subject to any other visitorial power other
16 than as authorized by this Act, except those vested in the
17 courts, or upon prior consultation with the Commissioner, a
18 foreign bank regulator with an appropriate supervisory
19 interest in the parent or affiliate of a state bank. In the
20 performance of the Commissioner's duties:

21 (1) The Commissioner shall call for statements from all
22 State banks as provided in Section 47 at least one time during
23 each calendar quarter.

24 (2) (a) The Commissioner, as often as the Commissioner
25 shall deem necessary or proper, and no less frequently than 18

1 months following the preceding examination, shall appoint a
2 suitable person or persons to make an examination of the
3 affairs of every State bank, except that for every eligible
4 State bank, as defined by regulation, the Commissioner in lieu
5 of the examination may accept on an alternating basis the
6 examination made by the eligible State bank's appropriate
7 federal banking agency pursuant to Section 111 of the Federal
8 Deposit Insurance Corporation Improvement Act of 1991,
9 provided the appropriate federal banking agency has made such
10 an examination. A person so appointed shall not be a
11 stockholder or officer or employee of any bank which that
12 person may be directed to examine, and shall have powers to
13 make a thorough examination into all the affairs of the bank
14 and in so doing to examine any of the officers or agents or
15 employees thereof on oath and shall make a full and detailed
16 report of the condition of the bank to the Commissioner. In
17 making the examination the examiners shall include an
18 examination of the affairs of all the affiliates of the bank,
19 as defined in subsection (b) of Section 35.2 of this Act, or
20 subsidiaries of the bank as shall be necessary to disclose
21 fully the conditions of the subsidiaries or affiliates, the
22 relations between the bank and the subsidiaries or affiliates
23 and the effect of those relations upon the affairs of the bank,
24 and in connection therewith shall have power to examine any of
25 the officers, directors, agents, or employees of the
26 subsidiaries or affiliates on oath. After May 31, 1997, the

1 Commissioner may enter into cooperative agreements with state
2 regulatory authorities of other states to provide for
3 examination of State bank branches in those states, and the
4 Commissioner may accept reports of examinations of State bank
5 branches from those state regulatory authorities. These
6 cooperative agreements may set forth the manner in which the
7 other state regulatory authorities may be compensated for
8 examinations prepared for and submitted to the Commissioner.

9 (b) After May 31, 1997, the Commissioner is authorized to
10 examine, as often as the Commissioner shall deem necessary or
11 proper, branches of out-of-state banks. The Commissioner may
12 establish and may assess fees to be paid to the Commissioner
13 for examinations under this subsection (b). The fees shall be
14 borne by the out-of-state bank, unless the fees are borne by
15 the state regulatory authority that chartered the out-of-state
16 bank, as determined by a cooperative agreement between the
17 Commissioner and the state regulatory authority that chartered
18 the out-of-state bank.

19 (2.5) Whenever any State bank, any subsidiary or affiliate
20 of a State bank, or after May 31, 1997, any branch of an
21 out-of-state bank causes to be performed, by contract or
22 otherwise, any bank services for itself, whether on or off its
23 premises:

24 (a) that performance shall be subject to examination by
25 the Commissioner to the same extent as if services were
26 being performed by the bank or, after May 31, 1997, branch

1 of the out-of-state bank itself on its own premises; and

2 (b) the bank or, after May 31, 1997, branch of the
3 out-of-state bank shall notify the Commissioner of the
4 existence of a service relationship. The notification
5 shall be submitted with the first statement of condition
6 (as required by Section 47 of this Act) due after the
7 making of the service contract or the performance of the
8 service, whichever occurs first. The Commissioner shall be
9 notified of each subsequent contract in the same manner.

10 For purposes of this subsection (2.5), the term "bank
11 services" means services such as sorting and posting of checks
12 and deposits, computation and posting of interest and other
13 credits and charges, preparation and mailing of checks,
14 statements, notices, and similar items, or any other clerical,
15 bookkeeping, accounting, statistical, or similar functions
16 performed for a State bank, including but not limited to
17 electronic data processing related to those bank services.

18 (3) The expense of administering this Act, including the
19 expense of the examinations of State banks as provided in this
20 Act, shall to the extent of the amounts resulting from the fees
21 provided for in paragraphs (a), (a-2), and (b) of this
22 subsection (3) be assessed against and borne by the State
23 banks:

24 (a) Each bank shall pay to the Commissioner a Call
25 Report Fee which shall be paid in quarterly installments
26 equal to one-fourth of the sum of the annual fixed fee of

1 \$800, plus a variable fee based on the assets shown on the
2 quarterly statement of condition delivered to the
3 Commissioner in accordance with Section 47 for the
4 preceding quarter according to the following schedule: 16¢
5 per \$1,000 of the first \$5,000,000 of total assets, 15¢ per
6 \$1,000 of the next \$20,000,000 of total assets, 13¢ per
7 \$1,000 of the next \$75,000,000 of total assets, 9¢ per
8 \$1,000 of the next \$400,000,000 of total assets, 7¢ per
9 \$1,000 of the next \$500,000,000 of total assets, and 5¢ per
10 \$1,000 of all assets in excess of \$1,000,000,000, of the
11 State bank. The Call Report Fee shall be calculated by the
12 Commissioner and billed to the banks for remittance at the
13 time of the quarterly statements of condition provided for
14 in Section 47. The Commissioner may require payment of the
15 fees provided in this Section by an electronic transfer of
16 funds or an automatic debit of an account of each of the
17 State banks. In case more than one examination of any bank
18 is deemed by the Commissioner to be necessary in any
19 examination frequency cycle specified in subsection 2(a)
20 of this Section, and is performed at his direction, the
21 Commissioner may assess a reasonable additional fee to
22 recover the cost of the additional examination; provided,
23 however, that an examination conducted at the request of
24 the State Treasurer pursuant to the Uniform Disposition of
25 Unclaimed Property Act shall not be deemed to be an
26 additional examination under this Section. In lieu of the

1 method and amounts set forth in this paragraph (a) for the
2 calculation of the Call Report Fee, the Commissioner may
3 specify by rule that the Call Report Fees provided by this
4 Section may be assessed semiannually or some other period
5 and may provide in the rule the formula to be used for
6 calculating and assessing the periodic Call Report Fees to
7 be paid by State banks.

8 (a-1) If in the opinion of the Commissioner an
9 emergency exists or appears likely, the Commissioner may
10 assign an examiner or examiners to monitor the affairs of a
11 State bank with whatever frequency he deems appropriate,
12 including but not limited to a daily basis. The reasonable
13 and necessary expenses of the Commissioner during the
14 period of the monitoring shall be borne by the subject
15 bank. The Commissioner shall furnish the State bank a
16 statement of time and expenses if requested to do so within
17 30 days of the conclusion of the monitoring period.

18 (a-2) On and after January 1, 1990, the reasonable and
19 necessary expenses of the Commissioner during examination
20 of the performance of electronic data processing services
21 under subsection (2.5) shall be borne by the banks for
22 which the services are provided. An amount, based upon a
23 fee structure prescribed by the Commissioner, shall be paid
24 by the banks or, after May 31, 1997, branches of
25 out-of-state banks receiving the electronic data
26 processing services along with the Call Report Fee assessed

1 under paragraph (a) of this subsection (3).

2 (a-3) After May 31, 1997, the reasonable and necessary
3 expenses of the Commissioner during examination of the
4 performance of electronic data processing services under
5 subsection (2.5) at or on behalf of branches of
6 out-of-state banks shall be borne by the out-of-state
7 banks, unless those expenses are borne by the state
8 regulatory authorities that chartered the out-of-state
9 banks, as determined by cooperative agreements between the
10 Commissioner and the state regulatory authorities that
11 chartered the out-of-state banks.

12 (b) "Fiscal year" for purposes of this Section 48 is
13 defined as a period beginning July 1 of any year and ending
14 June 30 of the next year. The Commissioner shall receive
15 for each fiscal year, commencing with the fiscal year
16 ending June 30, 1987, a contingent fee equal to the lesser
17 of the aggregate of the fees paid by all State banks under
18 paragraph (a) of subsection (3) for that year, or the
19 amount, if any, whereby the aggregate of the administration
20 expenses, as defined in paragraph (c), for that fiscal year
21 exceeds the sum of the aggregate of the fees payable by all
22 State banks for that year under paragraph (a) of subsection
23 (3), plus any amounts transferred into the Bank and Trust
24 Company Fund from the State Pensions Fund for that year,
25 plus all other amounts collected by the Commissioner for
26 that year under any other provision of this Act, plus the

1 aggregate of all fees collected for that year by the
2 Commissioner under the Corporate Fiduciary Act, excluding
3 the receivership fees provided for in Section 5-10 of the
4 Corporate Fiduciary Act, and the Foreign Banking Office
5 Act. The aggregate amount of the contingent fee thus
6 arrived at for any fiscal year shall be apportioned
7 amongst, assessed upon, and paid by the State banks and
8 foreign banking corporations, respectively, in the same
9 proportion that the fee of each under paragraph (a) of
10 subsection (3), respectively, for that year bears to the
11 aggregate for that year of the fees collected under
12 paragraph (a) of subsection (3). The aggregate amount of
13 the contingent fee, and the portion thereof to be assessed
14 upon each State bank and foreign banking corporation,
15 respectively, shall be determined by the Commissioner and
16 shall be paid by each, respectively, within 120 days of the
17 close of the period for which the contingent fee is
18 computed and is payable, and the Commissioner shall give 20
19 days advance notice of the amount of the contingent fee
20 payable by the State bank and of the date fixed by the
21 Commissioner for payment of the fee.

22 (c) The "administration expenses" for any fiscal year
23 shall mean the ordinary and contingent expenses for that
24 year incident to making the examinations provided for by,
25 and for otherwise administering, this Act, the Corporate
26 Fiduciary Act, excluding the expenses paid from the

1 Corporate Fiduciary Receivership account in the Bank and
2 Trust Company Fund, the Foreign Banking Office Act, the
3 Electronic Fund Transfer Act, and the Illinois Bank
4 Examiners' Education Foundation Act, including all
5 salaries and other compensation paid for personal services
6 rendered for the State by officers or employees of the
7 State, including the Commissioner and the Deputy
8 Commissioners, all expenditures for telephone and
9 telegraph charges, postage and postal charges, office
10 stationery, supplies and services, and office furniture
11 and equipment, including typewriters and copying and
12 duplicating machines and filing equipment, surety bond
13 premiums, and travel expenses of those officers and
14 employees, employees, expenditures or charges for the
15 acquisition, enlargement or improvement of, or for the use
16 of, any office space, building, or structure, or
17 expenditures for the maintenance thereof or for furnishing
18 heat, light, or power with respect thereto, all to the
19 extent that those expenditures are directly incidental to
20 such examinations or administration. The Commissioner
21 shall not be required by paragraphs (c) or (d-1) of this
22 subsection (3) to maintain in any fiscal year's budget
23 appropriated reserves for accrued vacation and accrued
24 sick leave that is required to be paid to employees of the
25 Commissioner upon termination of their service with the
26 Commissioner in an amount that is more than is reasonably

1 anticipated to be necessary for any anticipated turnover in
2 employees, whether due to normal attrition or due to
3 layoffs, terminations, or resignations.

4 (d) The aggregate of all fees collected by the
5 Commissioner under this Act, the Corporate Fiduciary Act,
6 or the Foreign Banking Office Act on and after July 1,
7 1979, shall be paid promptly after receipt of the same,
8 accompanied by a detailed statement thereof, into the State
9 treasury and shall be set apart in a special fund to be
10 known as the "Bank and Trust Company Fund", except as
11 provided in paragraph (c) of subsection (11) of this
12 Section. All earnings received from investments of funds in
13 the Bank and Trust Company Fund shall be deposited in the
14 Bank and Trust Company Fund and may be used for the same
15 purposes as fees deposited in that Fund. The amount from
16 time to time deposited into the Bank and Trust Company Fund
17 shall be used to offset the ordinary administrative
18 expenses of the Commissioner of Banks and Real Estate as
19 defined in this Section. Nothing in this amendatory Act of
20 1979 shall prevent continuing the practice of paying
21 expenses involving salaries, retirement, social security,
22 and State-paid insurance premiums of State officers by
23 appropriations from the General Revenue Fund. However, the
24 General Revenue Fund shall be reimbursed for those payments
25 made on and after July 1, 1979, by an annual transfer of
26 funds from the Bank and Trust Company Fund. Moneys in the

1 Bank and Trust Company Fund may be transferred to the
2 Professions Indirect Cost Fund, as authorized under
3 Section 2105-300 of the Department of Financial and
4 Professional Regulation (Professional Regulation) Law of
5 the Civil Administrative Code of Illinois.

6 (d-1) Adequate funds shall be available in the Bank and
7 Trust Company Fund to permit the timely payment of
8 administration expenses. In each fiscal year the total
9 administration expenses shall be deducted from the total
10 fees collected by the Commissioner and the remainder
11 transferred into the Cash Flow Reserve Account, unless the
12 balance of the Cash Flow Reserve Account prior to the
13 transfer equals or exceeds one-fourth of the total initial
14 appropriations from the Bank and Trust Company Fund for the
15 subsequent year, in which case the remainder shall be
16 credited to State banks and foreign banking corporations
17 and applied against their fees for the subsequent year. The
18 amount credited to each State bank and foreign banking
19 corporation shall be in the same proportion as the Call
20 Report Fees paid by each for the year bear to the total
21 Call Report Fees collected for the year. If, after a
22 transfer to the Cash Flow Reserve Account is made or if no
23 remainder is available for transfer, the balance of the
24 Cash Flow Reserve Account is less than one-fourth of the
25 total initial appropriations for the subsequent year and
26 the amount transferred is less than 5% of the total Call

1 Report Fees for the year, additional amounts needed to make
2 the transfer equal to 5% of the total Call Report Fees for
3 the year shall be apportioned amongst, assessed upon, and
4 paid by the State banks and foreign banking corporations in
5 the same proportion that the Call Report Fees of each,
6 respectively, for the year bear to the total Call Report
7 Fees collected for the year. The additional amounts
8 assessed shall be transferred into the Cash Flow Reserve
9 Account. For purposes of this paragraph (d-1), the
10 calculation of the fees collected by the Commissioner shall
11 exclude the receivership fees provided for in Section 5-10
12 of the Corporate Fiduciary Act.

13 (e) The Commissioner may upon request certify to any
14 public record in his keeping and shall have authority to
15 levy a reasonable charge for issuing certifications of any
16 public record in his keeping.

17 (f) In addition to fees authorized elsewhere in this
18 Act, the Commissioner may, in connection with a review,
19 approval, or provision of a service, levy a reasonable
20 charge to recover the cost of the review, approval, or
21 service.

22 (4) Nothing contained in this Act shall be construed to
23 limit the obligation relative to examinations and reports of
24 any State bank, deposits in which are to any extent insured by
25 the United States or any agency thereof, nor to limit in any
26 way the powers of the Commissioner with reference to

1 examinations and reports of that bank.

2 (5) The nature and condition of the assets in or investment
3 of any bonus, pension, or profit sharing plan for officers or
4 employees of every State bank or, after May 31, 1997, branch of
5 an out-of-state bank shall be deemed to be included in the
6 affairs of that State bank or branch of an out-of-state bank
7 subject to examination by the Commissioner under the provisions
8 of subsection (2) of this Section, and if the Commissioner
9 shall find from an examination that the condition of or
10 operation of the investments or assets of the plan is unlawful,
11 fraudulent, or unsafe, or that any trustee has abused his
12 trust, the Commissioner shall, if the situation so found by the
13 Commissioner shall not be corrected to his satisfaction within
14 60 days after the Commissioner has given notice to the board of
15 directors of the State bank or out-of-state bank of his
16 findings, report the facts to the Attorney General who shall
17 thereupon institute proceedings against the State bank or
18 out-of-state bank, the board of directors thereof, or the
19 trustees under such plan as the nature of the case may require.

20 (6) The Commissioner shall have the power:

21 (a) To promulgate reasonable rules for the purpose of
22 administering the provisions of this Act.

23 (a-5) To impose conditions on any approval issued by
24 the Commissioner if he determines that the conditions are
25 necessary or appropriate. These conditions shall be
26 imposed in writing and shall continue in effect for the

1 period prescribed by the Commissioner.

2 (b) To issue orders against any person, if the
3 Commissioner has reasonable cause to believe that an unsafe
4 or unsound banking practice has occurred, is occurring, or
5 is about to occur, if any person has violated, is
6 violating, or is about to violate any law, rule, or written
7 agreement with the Commissioner, or for the purpose of
8 administering the provisions of this Act and any rule
9 promulgated in accordance with this Act.

10 (b-1) To enter into agreements with a bank establishing
11 a program to correct the condition of the bank or its
12 practices.

13 (c) To appoint hearing officers to execute any of the
14 powers granted to the Commissioner under this Section for
15 the purpose of administering this Act and any rule
16 promulgated in accordance with this Act and otherwise to
17 authorize, in writing, an officer or employee of the Office
18 of Banks and Real Estate to exercise his powers under this
19 Act.

20 (d) To subpoena witnesses, to compel their attendance,
21 to administer an oath, to examine any person under oath,
22 and to require the production of any relevant books,
23 papers, accounts, and documents in the course of and
24 pursuant to any investigation being conducted, or any
25 action being taken, by the Commissioner in respect of any
26 matter relating to the duties imposed upon, or the powers

1 vested in, the Commissioner under the provisions of this
2 Act or any rule promulgated in accordance with this Act.

3 (e) To conduct hearings.

4 (7) Whenever, in the opinion of the Commissioner, any
5 director, officer, employee, or agent of a State bank or any
6 subsidiary or bank holding company of the bank or, after May
7 31, 1997, of any branch of an out-of-state bank or any
8 subsidiary or bank holding company of the bank shall have
9 violated any law, rule, or order relating to that bank or any
10 subsidiary or bank holding company of the bank, shall have
11 obstructed or impeded any examination or investigation by the
12 Commissioner, shall have engaged in an unsafe or unsound
13 practice in conducting the business of that bank or any
14 subsidiary or bank holding company of the bank, or shall have
15 violated any law or engaged or participated in any unsafe or
16 unsound practice in connection with any financial institution
17 or other business entity such that the character and fitness of
18 the director, officer, employee, or agent does not assure
19 reasonable promise of safe and sound operation of the State
20 bank, the Commissioner may issue an order of removal. If, in
21 the opinion of the Commissioner, any former director, officer,
22 employee, or agent of a State bank or any subsidiary or bank
23 holding company of the bank, prior to the termination of his or
24 her service with that bank or any subsidiary or bank holding
25 company of the bank, violated any law, rule, or order relating
26 to that State bank or any subsidiary or bank holding company of

1 the bank, obstructed or impeded any examination or
2 investigation by the Commissioner, engaged in an unsafe or
3 unsound practice in conducting the business of that bank or any
4 subsidiary or bank holding company of the bank, or violated any
5 law or engaged or participated in any unsafe or unsound
6 practice in connection with any financial institution or other
7 business entity such that the character and fitness of the
8 director, officer, employee, or agent would not have assured
9 reasonable promise of safe and sound operation of the State
10 bank, the Commissioner may issue an order prohibiting that
11 person from further service with a bank or any subsidiary or
12 bank holding company of the bank as a director, officer,
13 employee, or agent. An order issued pursuant to this subsection
14 shall be served upon the director, officer, employee, or agent.
15 A copy of the order shall be sent to each director of the bank
16 affected by registered mail. The person affected by the action
17 may request a hearing before the State Banking Board within 10
18 days after receipt of the order. The hearing shall be held by
19 the Board within 30 days after the request has been received by
20 the Board. The Board shall make a determination approving,
21 modifying, or disapproving the order of the Commissioner as its
22 final administrative decision. If a hearing is held by the
23 Board, the Board shall make its determination within 60 days
24 from the conclusion of the hearing. Any person affected by a
25 decision of the Board under this subsection (7) of Section 48
26 of this Act may have the decision reviewed only under and in

1 accordance with the Administrative Review Law and the rules
2 adopted pursuant thereto. A copy of the order shall also be
3 served upon the bank of which he is a director, officer,
4 employee, or agent, whereupon he shall cease to be a director,
5 officer, employee, or agent of that bank. The Commissioner may
6 institute a civil action against the director, officer, or
7 agent of the State bank or, after May 31, 1997, of the branch
8 of the out-of-state bank against whom any order provided for by
9 this subsection (7) of this Section 48 has been issued, and
10 against the State bank or, after May 31, 1997, out-of-state
11 bank, to enforce compliance with or to enjoin any violation of
12 the terms of the order. Any person who has been the subject of
13 an order of removal or an order of prohibition issued by the
14 Commissioner under this subsection or Section 5-6 of the
15 Corporate Fiduciary Act may not thereafter serve as director,
16 officer, employee, or agent of any State bank or of any branch
17 of any out-of-state bank, or of any corporate fiduciary, as
18 defined in Section 1-5.05 of the Corporate Fiduciary Act, or of
19 any other entity that is subject to licensure or regulation by
20 the Commissioner or the Office of Banks and Real Estate unless
21 the Commissioner has granted prior approval in writing.

22 For purposes of this paragraph (7), "bank holding company"
23 has the meaning prescribed in Section 2 of the Illinois Bank
24 Holding Company Act of 1957.

25 (8) The Commissioner may impose civil penalties of up to
26 \$10,000 against any person for each violation of any provision

1 of this Act, any rule promulgated in accordance with this Act,
2 any order of the Commissioner, or any other action which in the
3 Commissioner's discretion is an unsafe or unsound banking
4 practice.

5 (9) The Commissioner may impose civil penalties of up to
6 \$100 against any person for the first failure to comply with
7 reporting requirements set forth in the report of examination
8 of the bank and up to \$200 for the second and subsequent
9 failures to comply with those reporting requirements.

10 (10) All final administrative decisions of the
11 Commissioner hereunder shall be subject to judicial review
12 pursuant to the provisions of the Administrative Review Law.
13 For matters involving administrative review, venue shall be in
14 either Sangamon County or Cook County.

15 (11) The endowment fund for the Illinois Bank Examiners'
16 Education Foundation shall be administered as follows:

17 (a) (Blank).

18 (b) The Foundation is empowered to receive voluntary
19 contributions, gifts, grants, bequests, and donations on
20 behalf of the Illinois Bank Examiners' Education
21 Foundation from national banks and other persons for the
22 purpose of funding the endowment of the Illinois Bank
23 Examiners' Education Foundation.

24 (c) The aggregate of all special educational fees
25 collected by the Commissioner and property received by the
26 Commissioner on behalf of the Illinois Bank Examiners'

1 Education Foundation under this subsection (11) on or after
2 June 30, 1986, shall be either (i) promptly paid after
3 receipt of the same, accompanied by a detailed statement
4 thereof, into the State Treasury and shall be set apart in
5 a special fund to be known as "The Illinois Bank Examiners'
6 Education Fund" to be invested by either the Treasurer of
7 the State of Illinois in the Public Treasurers' Investment
8 Pool or in any other investment he is authorized to make or
9 by the Illinois State Board of Investment as the board of
10 trustees of the Illinois Bank Examiners' Education
11 Foundation may direct or (ii) deposited into an account
12 maintained in a commercial bank or corporate fiduciary in
13 the name of the Illinois Bank Examiners' Education
14 Foundation pursuant to the order and direction of the Board
15 of Trustees of the Illinois Bank Examiners' Education
16 Foundation.

17 (12) (Blank).

18 (Source: P.A. 94-91, eff. 7-1-05.)

19 Section 9195. The Illinois Bank Holding Company Act of 1957
20 is amended by adding Section 1.5 as follows:

21 (205 ILCS 10/1.5 new)

22 Sec. 1.5. References to Office or Commissioner of Banks and
23 Real Estate. On and after the effective date of this amendatory
24 Act of the 95th General Assembly:

1 (1) References in this Act to the Office of Banks and
2 Real Estate or "the Office" mean the Department of
3 Financial and Professional Regulation.

4 (2) References in this Act to the Commissioner of Banks
5 and Real Estate or "the Commissioner" mean the Secretary of
6 Financial and Professional Regulation.

7 Section 9200. The Illinois Savings and Loan Act of 1985 is
8 amended by changing Section 7-19.1 as follows:

9 (205 ILCS 105/7-19.1) (from Ch. 17, par. 3307-19.1)

10 Sec. 7-19.1. Savings and Residential Finance Regulatory
11 Fund.

12 (a) The aggregate of all fees collected by the Commissioner
13 under this Act shall be paid promptly after receipt of the
14 same, accompanied by a detailed statement thereof, into the
15 State treasury and shall be set apart in the Savings and
16 Residential Finance Regulatory Fund, a special fund hereby
17 created in the State treasury. The amounts deposited into the
18 Fund shall be used for the ordinary and contingent expenses of
19 the Office of Banks and Real Estate. Nothing in this Act shall
20 prevent continuing the practice of paying expenses involving
21 salaries, retirement, social security, and State-paid
22 insurance of State officers by appropriation from the General
23 Revenue Fund.

24 (b) Except as otherwise provided in subsection (b-5),

1 moneys in the Savings and Residential Finance Regulatory Fund
2 may not be appropriated, assigned, or transferred to another
3 State fund. The moneys in the Fund shall be for the sole
4 benefit of the institutions assessed.

5 (b-5) Moneys in the Savings and Residential Finance
6 Regulatory Fund may be transferred to the Professions Indirect
7 Cost Fund, as authorized under Section 2105-300 of the
8 Department of Financial and Professional Regulation
9 (Professional Regulation) Law of the Civil Administrative Code
10 of Illinois.

11 (c) All earnings received from investments of funds in the
12 Savings and Residential Finance Regulatory Fund shall be
13 deposited into the Savings and Residential Finance Regulatory
14 Fund and may be used for the same purposes as fees deposited
15 into that Fund.

16 (Source: P.A. 94-91, eff. 7-1-05.)

17 Section 9210. The Illinois Credit Union Act is amended by
18 changing Sections 12, 34, and 58 and by adding Section 1.05 as
19 follows:

20 (205 ILCS 305/1.05 new)

21 Sec. 1.05. References to Department or Director of
22 Financial Institutions. On and after the effective date of this
23 amendatory Act of the 95th General Assembly:

24 (1) References in this Act to the Department of

1 Financial Institutions or "the Department" mean the
2 Department of Financial and Professional Regulation.

3 (2) References in this Act to the Director of Financial
4 Institutions or "the Director" mean the Secretary of
5 Financial and Professional Regulation.

6 (205 ILCS 305/12) (from Ch. 17, par. 4413)
7 Sec. 12. Regulatory fees.

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

TOTAL ASSETS	REGULATORY FEE
\$25,000 or less	\$100
Over \$25,000 and not over	
\$100,000	\$100 plus \$4 per
	\$1,000 of assets in excess of
	\$25,000
Over \$100,000 and not over	
\$200,000	\$400 plus \$3 per
	\$1,000 of assets in excess of
	\$100,000
Over \$200,000 and not over	
\$500,000	\$700 plus \$2 per
	\$1,000 of assets in excess of
	\$200,000
Over \$500,000 and not over	

1	\$1,000,000	\$1,300 plus \$1.40
2		per \$1,000 of assets in excess
3		of \$500,000
4	Over \$1,000,000 and not	
5	over \$5,000,000	\$2,000 plus \$0.50
6		per \$1,000 of assets in
7		excess of \$1,000,000
8	Over \$5,000,000 and not	
9	over \$30,000,000	\$5,080 plus \$0.44
10		per \$1,000 assets
11		in excess of \$5,000,000
12	Over \$30,000,000 and not	
13	over \$100,000,000	\$16,192 plus \$0.38
14		per \$1,000 of assets in
15		excess of \$30,000,000
16	Over \$100,000,000 and not	
17	over \$500,000,000	\$42,862 plus \$0.19
18		per \$1,000 of assets in
19		excess of \$100,000,000
20	Over \$500,000,000	\$140,625 plus \$0.075
21		per \$1,000 of assets in
22		excess of \$500,000,000

23 (2) The Director shall review the regulatory fee schedule
24 in subsection (1) and the projected earnings on those fees on
25 an annual basis and adjust the fee schedule no more than 5%
26 annually if necessary to defray the estimated administrative

1 and operational expenses of the Department as defined in
2 subsection (5). The Director shall provide credit unions with
3 written notice of any adjustment made in the regulatory fee
4 schedule.

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

16 (4) The aggregate of all fees collected by the Department
17 under this Act shall be paid promptly after they are received,
18 accompanied by a detailed statement thereof, into the State
19 Treasury and shall be set apart in the Credit Union Fund, a
20 special fund hereby created in the State treasury. The amount
21 from time to time deposited in the Credit Union Fund and shall
22 be used to offset the ordinary administrative and operational
23 expenses of the Department under this Act. All earnings
24 received from investments of funds in the Credit Union Fund
25 shall be deposited into the Credit Union Fund and may be used
26 for the same purposes as fees deposited into that Fund. Moneys

1 in the Credit Union Fund may be transferred to the Professions
2 Indirect Cost Fund, as authorized under Section 2105-300 of the
3 Department of Financial and Professional Regulation
4 (Professional Regulation) Law of the Civil Administrative Code
5 of Illinois.

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

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

1 Department under this Act for the same year.

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

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

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

11 (205 ILCS 305/34) (from Ch. 17, par. 4435)

12 Sec. 34. Duties of Supervisory Committee. (1) The
13 Supervisory Committee shall make or cause to be made an annual
14 internal audit of the books and affairs of the credit union to
15 determine that the credit union's accounting records and
16 reports are prepared promptly and accurately reflect
17 operations and results, that internal controls are established
18 and effectively maintained to safeguard the assets of the
19 credit union, and that the policies, procedures and practices
20 established by the Board of Directors and management of the
21 credit union are being properly administered. The Supervisory
22 Committee shall submit a report of that audit to the Board of
23 Directors and a summary of that report to the members at the
24 next annual meeting of the credit union. It shall make or cause
25 to be made such supplementary audits as it deems necessary or

1 as are required by the Director or by the Board of Directors,
2 and submit reports of these supplementary audits to the
3 Director or Board of Directors as applicable. If the
4 Supervisory Committee has not engaged a public accountant
5 registered by the Department of Financial and Professional
6 Regulation to make the internal audit, the Supervisory
7 Committee or other officials of the credit union shall not
8 indicate or in any manner imply that such audit has been
9 performed by a public accountant or that the audit represents
10 the independent opinion of a public accountant. The Committee
11 must retain its tapes and working papers of each internal audit
12 for inspection by the Department. The report of this audit must
13 be made on a form approved by the Director. A copy of the
14 report must be promptly mailed to the Director.

15 (2) The Supervisory Committee shall make or cause to be
16 made at least once each year a reasonable percentage
17 verification of members' share and loan accounts, consistent
18 with rules promulgated by the Director.

19 (3) The Supervisory Committee of a credit union with assets
20 of \$5,000,000 or more shall engage a public accountant
21 registered by the Department of Financial and Professional
22 Regulation to perform an annual external independent audit of
23 the credit union's financial statements in accordance with
24 generally accepted auditing standards. The Supervisory
25 Committee of a credit union with assets of \$3,000,000 or more,
26 but less than \$5,000,000, shall engage a public accountant

1 registered by the Department of Financial and Professional
2 Regulation to perform an external independent audit of the
3 credit union's financial statements in accordance with
4 generally accepted auditing standards at least once every 3
5 years. A copy of an external independent audit shall be mailed
6 to the Director upon completion. If the annual internal audit
7 of such a credit union is conducted by a public accountant
8 registered by the Department of Financial and Professional
9 Regulation and the annual internal audit is done in conjunction
10 with the credit union's annual external audit, the requirements
11 of subsection (1) of this Section shall be deemed met.

12 (4) A majority of the members of the Supervisory Committee
13 shall constitute a quorum.

14 (Source: P.A. 86-238.)

15 (205 ILCS 305/58) (from Ch. 17, par. 4459)

16 Sec. 58. Share insurance.

17 (1) Each credit union operating in this State shall insure
18 its share accounts with the NCUA, under 12 U.S.C. 1781 et seq.
19 (Sec. 201 et seq. of the Federal Credit Union Act) or with such
20 other insurers as may be ~~jointly~~ approved by the Secretary of
21 Financial and Professional Regulation ~~Director of Financial~~
22 ~~Institutions and the Director of Insurance~~. Each approved
23 insurer shall be found to be financially sound and to employ
24 approved actuarial practices. The Secretary ~~Director~~ shall
25 determine that a firm commitment to insure share accounts has

1 been issued before a charter may be granted for a new credit
2 union. Application for such insurance by credit unions in
3 existence on the effective date of this Section shall be made
4 not later than December 31, 1981 and such credit unions shall
5 receive a commitment to insure share accounts by December 31,
6 1984.

7 (2) A credit union which has been denied a commitment of
8 insurance of accounts shall either dissolve, merge with another
9 credit union, or apply in writing, within 30 days of denial, to
10 the Secretary ~~Director~~ for additional time to obtain an
11 insurance commitment. The Secretary ~~Director~~ may grant up to 24
12 months additional time upon satisfactory evidence that the
13 credit union is making a substantial effort to achieve the
14 conditions precedent to issuance of the commitment.

15 (3) The Secretary ~~Director~~ shall cooperate with the NCUA or
16 other approved insurers by furnishing copies of financial and
17 examination reports and other information bearing on the
18 financial condition of any credit union.

19 (Source: P.A. 90-655, eff. 7-30-98.)

20 Section 9215. The Currency Exchange Act is amended by
21 adding Section 0.1a as follows:

22 (205 ILCS 405/0.1a new)

23 Sec. 0.1a. References to Department or Director of
24 Financial Institutions. On and after the effective date of this

1 amendatory Act of the 95th General Assembly:

2 (1) References in this Act to the Department of
3 Financial Institutions or "the Department" mean the
4 Department of Financial and Professional Regulation.

5 (2) References in this Act to the Director of Financial
6 Institutions or "the Director" mean the Secretary of
7 Financial and Professional Regulation.

8 Section 9220. The Pawnbroker Regulation Act is amended by
9 adding Section 0.02 and changing Section 0.05 as follows:

10 (205 ILCS 510/0.02 new)

11 Sec. 0.02. References to Office or Commissioner of Banks
12 and Real Estate. On and after the effective date of this
13 amendatory Act of the 95th General Assembly:

14 (1) References in this Act to the Office of Banks and
15 Real Estate or "the Office" mean the Department of
16 Financial and Professional Regulation.

17 (2) References in this Act to the Commissioner of Banks
18 and Real Estate or "the Commissioner" mean the Secretary of
19 Financial and Professional Regulation.

20 (205 ILCS 510/0.05)

21 Sec. 0.05. Administration of Act.

22 (a) This Act shall be administered by the Commissioner of
23 Banks and Real Estate who shall have all of the following

1 powers and duties in administering this Act:

2 (1) To promulgate reasonable rules for the purpose of
3 administering the provisions of this Act.

4 (2) To issue orders for the purpose of administering
5 the provisions of this Act and any rule promulgated in
6 accordance with this Act.

7 (3) To appoint hearing officers and to hire employees
8 or to contract with appropriate persons to execute any of
9 the powers granted to the Commissioner under this Section
10 for the purpose of administering this Act and any rule
11 promulgated in accordance with this Act.

12 (4) To subpoena witnesses, to compel their attendance,
13 to administer an oath, to examine any person under oath,
14 and to require the production of any relevant books,
15 papers, accounts, and documents in the course of and
16 pursuant to any investigation being conducted, or any
17 action being taken, by the Commissioner in respect of any
18 matter relating to the duties imposed upon, or the powers
19 vested in, the Commissioner under the provisions of this
20 Act or any rule promulgated in accordance with this Act.

21 (5) To conduct hearings.

22 (6) To impose civil penalties graduated up to \$1,000
23 against any person for each violation of any provision of
24 this Act, any rule promulgated in accordance with this Act,
25 or any order of the Commissioner based upon the seriousness
26 of the violation.

1 (6.5) To initiate, through the Attorney General,
2 injunction proceedings whenever it appears to the
3 Commissioner that any person, whether licensed under this
4 Act or not, is engaged or about to engage in an act or
5 practice that constitutes or will constitute a violation of
6 this Act or any rule prescribed under the authority of this
7 Act. The Commissioner may, in his or her discretion,
8 through the Attorney General, apply for an injunction, and
9 upon a proper showing, any circuit court may enter a
10 permanent or preliminary injunction or a temporary
11 restraining order without bond to enforce this Act in
12 addition to the penalties and other remedies provided for
13 in this Act.

14 (7) To issue a cease and desist order and, for
15 violations of this Act, any order issued by the
16 Commissioner pursuant to this Act, any rule promulgated in
17 accordance with this Act, or any other applicable law in
18 connection with the operation of a pawnshop, to suspend a
19 license issued under this Act for up to 30 days.

20 (8) To determine compliance with applicable law and
21 rules related to the operation of pawnshops and to verify
22 the accuracy of reports filed with the Commissioner, the
23 Commissioner, not more than one time every 2 years, may,
24 but is not required to, conduct a routine examination of a
25 pawnshop, and in addition, the Commissioner may examine the
26 affairs of any pawnshop at any time if the Commissioner has

1 reasonable cause to believe that unlawful or fraudulent
2 activity is occurring, or has occurred, therein.

3 (9) In response to a complaint, to address any
4 inquiries to any pawnshop in relation to its affairs, and
5 it shall be the duty of the pawnshop to promptly reply in
6 writing to such inquiries. The Commissioner may also
7 require reports or information from any pawnshop at any
8 time the Commissioner may deem desirable.

9 (10) To revoke a license issued under this Act if the
10 Commissioner determines that (a) a licensee has been
11 convicted of a felony in connection with the operations of
12 a pawnshop; (b) a licensee knowingly, recklessly, or
13 continuously violated this Act, a rule promulgated in
14 accordance with this Act, or any order of the Commissioner;
15 (c) a fact or condition exists that, if it had existed or
16 had been known at the time of the original application,
17 would have justified license refusal; or (d) the licensee
18 knowingly submits materially false or misleading documents
19 with the intent to deceive the Commissioner or any other
20 party.

21 (11) Following license revocation, to take possession
22 and control of a pawnshop for the purpose of examination,
23 reorganization, or liquidation through receivership and to
24 appoint a receiver, which may be the Commissioner, a
25 pawnshop, or another suitable person.

26 (b) After consultation with local law enforcement

1 officers, the Attorney General, and the industry, the
2 Commissioner may by rule require that pawnbrokers operate video
3 camera surveillance systems to record photographic
4 representations of customers and retain the tapes produced for
5 up to 30 days.

6 (c) Pursuant to rule, the Commissioner shall issue licenses
7 on an annual or multi-year basis for operating a pawnshop. Any
8 person currently operating or who has operated a pawnshop in
9 this State during the 2 years preceding the effective date of
10 this amendatory Act of 1997 shall be issued a license upon
11 payment of the fee required under this Act. New applicants
12 shall meet standards for a license as established by the
13 Commissioner. Except with the prior written consent of the
14 Commissioner, no individual, either a new applicant or a person
15 currently operating a pawnshop, may be issued a license to
16 operate a pawnshop if the individual has been convicted of a
17 felony or of any criminal offense relating to dishonesty or
18 breach of trust in connection with the operations of a
19 pawnshop. The Commissioner shall establish license fees. The
20 fees shall not exceed the amount reasonably required for
21 administration of this Act. It shall be unlawful to operate a
22 pawnshop without a license issued by the Commissioner.

23 (d) In addition to license fees, the Commissioner may, by
24 rule, establish fees in connection with a review, approval, or
25 provision of a service, and levy a reasonable charge to recover
26 the cost of the review, approval, or service (such as a change

1 in control, change in location, or renewal of a license). The
2 Commissioner may also levy a reasonable charge to recover the
3 cost of an examination if the Commissioner determines that
4 unlawful or fraudulent activity has occurred. The Commissioner
5 may require payment of the fees and charges provided in this
6 Act by certified check, money order, an electronic transfer of
7 funds, or an automatic debit of an account.

8 (e) The Pawnbroker Regulation Fund is established as a
9 special fund in the State treasury. Moneys collected under this
10 Act shall be deposited into the Fund and used for the
11 administration of this Act. In the event that General Revenue
12 Funds are appropriated to the Office of the Commissioner of
13 Banks and Real Estate for the initial implementation of this
14 Act, the Governor may direct the repayment from the Pawnbroker
15 Regulation Fund to the General Revenue Fund of such advance in
16 an amount not to exceed \$30,000. The Governor may direct this
17 interfund transfer at such time as he deems appropriate by
18 giving appropriate written notice. Moneys in the Pawnbroker
19 Regulation Fund may be transferred to the Professions Indirect
20 Cost Fund, as authorized under Section 2105-300 of the
21 Department of Financial and Professional Regulation
22 (Professional Regulation) Law of the Civil Administrative Code
23 of Illinois.

24 (f) The Commissioner may, by rule, require all pawnshops to
25 provide for the expenses that would arise from the
26 administration of the receivership of a pawnshop under this Act

1 through the assessment of fees, the requirement to pledge
2 surety bonds, or such other methods as determined by the
3 Commissioner.

4 (g) All final administrative decisions of the Commissioner
5 under this Act shall be subject to judicial review pursuant to
6 the provisions of the Administrative Review Law. For matters
7 involving administrative review, venue shall be in either
8 Sangamon County or Cook County.

9 (Source: P.A. 94-91, eff. 7-1-05.)

10 Section 9222. The Banking Emergencies Act is amended by
11 adding Section 0.5 as follows:

12 (205 ILCS 610/0.5 new)

13 Sec. 0.5. References to Office or Commissioner of Banks and
14 Real Estate. On and after the effective date of this amendatory
15 Act of the 95th General Assembly:

16 (1) References in this Act to the Office of Banks and
17 Real Estate or "the Office" mean the Department of
18 Financial and Professional Regulation.

19 (2) References in this Act to the Commissioner of Banks
20 and Real Estate or "the Commissioner" mean the Secretary of
21 Financial and Professional Regulation.

22 Section 9225. The Electronic Fund Transfer Act is amended
23 by adding Section 2 as follows:

1 (205 ILCS 616/2 new)

2 Sec. 2. References to Office or Commissioner of Banks and
3 Real Estate. On and after the effective date of this amendatory
4 Act of the 95th General Assembly:

5 (1) References in this Act to the Office of Banks and
6 Real Estate or "the Office" mean the Department of
7 Financial and Professional Regulation.

8 (2) References in this Act to the Commissioner of Banks
9 and Real Estate or "the Commissioner" mean the Secretary of
10 Financial and Professional Regulation.

11 Section 9230. The Corporate Fiduciary Act is amended by
12 adding Section 1-1.5 as follows:

13 (205 ILCS 620/1-1.5 new)

14 Sec. 1-1.5. References to Office or Commissioner of Banks
15 and Real Estate. On and after the effective date of this
16 amendatory Act of the 95th General Assembly:

17 (1) References in this Act to the Office of Banks and
18 Real Estate or "the Office" mean the Department of
19 Financial and Professional Regulation.

20 (2) References in this Act to the Commissioner of Banks
21 and Real Estate or "the Commissioner" mean the Secretary of
22 Financial and Professional Regulation.

1 Section 9235. The Promissory Note and Bank Holiday Act is
2 amended by changing Section 17 as follows:

3 (205 ILCS 630/17) (from Ch. 17, par. 2201)

4 Sec. 17. Holidays.

5 (a) The following days shall be legal holidays in the State
6 of Illinois upon which day a bank may, but is not required to,
7 remain closed:

8 the first day of January (New Year's Day);

9 the third Monday in January (observance of Martin Luther
10 King, Jr.'s birthday);

11 the twelfth day in February (Abraham Lincoln's birthday);

12 the third Monday in February (Presidents Day);

13 the first Monday in March (observance of Casimir Pulaski's
14 birthday);

15 the Friday preceding Easter Sunday (Good Friday);

16 the last Monday of May (Memorial Day);

17 the fourth day of July (Independence Day);

18 the first Monday in September (Labor Day);

19 the second Monday in October (Columbus Day);

20 the eleventh day of November (Veterans' Day);

21 the fourth Thursday in November (Thanksgiving Day);

22 the twenty-fifth day in December (Christmas Day);

23 the days upon which the general elections for members of
24 the House of Representatives are held, and any day proclaimed
25 by the Governor of this State as a legal holiday. From 12

1 o'clock noon to 12 o'clock midnight of each Saturday shall be
2 considered a half holiday. In addition to such holidays and
3 half-holidays, a bank may select one day of the week to remain
4 closed, as provided in subsection (b) of this Section.

5 (b) Any bank doing business within this State may select
6 any one day of the week to remain closed on a regular basis
7 upon adoption of a resolution by the board of directors of such
8 bank designating the day selected and upon filing and
9 publishing a copy of such resolution as hereinafter required.
10 Any such resolution shall be deemed effective for the purpose
11 of this Section only when a copy thereof, certified by an
12 officer having charge of the records of such bank, is filed
13 with the Recorder of the county in which such bank is located
14 and published once each week for 3 successive weeks in a
15 newspaper of general circulation in such county. Such
16 publication shall be accomplished by, and at the expense of,
17 the bank, and the bank shall submit to the Secretary of
18 Financial and Professional Regulation ~~Commissioner of Banks~~
19 ~~and Real Estate~~ such evidence of the publication as the
20 Secretary ~~Commissioner~~ shall deem appropriate. Any such
21 selection shall remain in full force and effect until a copy of
22 the later resolution of the board of directors of such bank,
23 certified in like manner, terminating or altering any such
24 prior selection shall be filed and published in the same manner
25 as such prior resolution.

26 (c) If an occasion arises when a state bank wishes to

1 remain closed on a particular day, other than a day on which
2 the bank has selected to remain closed on a regular basis as
3 provided in this Section, such state bank may remain closed on
4 such an occasion after first sending to the Secretary
5 ~~Commissioner~~ a copy of a resolution adopted by the board of
6 directors authorizing the bank to remain closed on such
7 occasion and notice of the intent to remain closed on such
8 occasion shall be conspicuously posted in the lobby of the main
9 banking office and any branches of such bank for at least 3
10 weeks in advance of such occasion. Any day which any bank doing
11 business within the State shall select to remain closed
12 pursuant to this Section shall, with respect to such bank, be
13 treated and considered as a Sunday.

14 (d) All legal holidays, the half holidays and any day
15 selected by a bank doing business within the State to remain
16 closed, shall, for all purposes whatsoever, as regards the
17 presenting for payment or acceptance, the maturity and
18 protesting and giving of notice of the dishonor of bills of
19 exchange, bank checks and promissory notes and other negotiable
20 or commercial paper or instrument, be treated and considered as
21 a Sunday. When any such holidays fall on Sunday, the Monday
22 next following shall be held and considered such holiday. All
23 notes, bills, drafts, checks or other evidence of indebtedness,
24 falling due or maturing on either of such days, shall be deemed
25 as due or maturing upon the day following, and when 2 or more
26 of these days come together, or immediately succeeding each

1 other, then such instruments, paper or indebtedness shall be
2 deemed as due or having matured on the day following the last
3 of such days.

4 (e) Any act authorized, required or permitted to be
5 performed at or by or with respect to any bank doing business
6 within the State on a day which it has selected to remain
7 closed under this Section may be so performed on the next
8 succeeding business day and no liability or loss of rights of
9 any kind shall result from such delay.

10 (f) Nothing in this Act shall in any manner affect the
11 validity of, or render void or voidable, the payment,
12 certification, or acceptance of a check or other negotiable
13 instrument, or any other transaction by a bank in this State,
14 because done or performed on any Saturday, Sunday, holiday, or
15 any day selected by a bank to remain closed, or during any time
16 other than regular banking hours; but no bank in this State,
17 which by law or custom is entitled to remain open or to close
18 for the whole or any part of any day selected by it to remain
19 open or to close, is compelled to close, or to remain open for
20 the transaction of business or to perform any of the acts or
21 transactions aforesaid except at its own option.

22 (Source: P.A. 89-508, eff. 7-3-96; 89-567, eff. 7-26-96; 90-14,
23 eff. 7-1-97.)

24 Section 9240. The Residential Mortgage License Act of 1987
25 is amended by adding Section 1-1.5 as follows:

1 (205 ILCS 635/1-1.5 new)

2 Sec. 1-1.5. References to Office or Commissioner of Banks
3 and Real Estate. On and after the effective date of this
4 amendatory Act of the 95th General Assembly:

5 (1) References in this Act to the Office of Banks and
6 Real Estate or "the Office" mean the Department of
7 Financial and Professional Regulation.

8 (2) References in this Act to the Commissioner of Banks
9 and Real Estate or "the Commissioner" mean the Secretary of
10 Financial and Professional Regulation.

11 Section 9245. The Foreign Banking Office Act is amended by
12 adding Section 1.5 as follows:

13 (205 ILCS 645/1.5 new)

14 Sec. 1.5. References to Office or Commissioner of Banks and
15 Real Estate. On and after the effective date of this amendatory
16 Act of the 95th General Assembly:

17 (1) References in this Act to the Office of Banks and
18 Real Estate or "the Office" mean the Department of
19 Financial and Professional Regulation.

20 (2) References in this Act to the Commissioner of Banks
21 and Real Estate or "the Commissioner" mean the Secretary of
22 Financial and Professional Regulation.

1 Section 9250. The Foreign Bank Representative Office Act is
2 amended by adding Section 1.5 as follows:

3 (205 ILCS 650/1.5 new)

4 Sec. 1.5. References to Office or Commissioner of Banks and
5 Real Estate. On and after the effective date of this amendatory
6 Act of the 95th General Assembly:

7 (1) References in this Act to the Office of Banks and
8 Real Estate or "the Office" mean the Department of
9 Financial and Professional Regulation.

10 (2) References in this Act to the Commissioner of Banks
11 and Real Estate or "the Commissioner" mean the Secretary of
12 Financial and Professional Regulation.

13 Section 9255. The Transmitters of Money Act is amended by
14 adding Section 2 and changing Section 93 as follows:

15 (205 ILCS 657/2 new)

16 Sec. 2. References to Department or Director of Financial
17 Institutions. On and after the effective date of this
18 amendatory Act of the 95th General Assembly:

19 (1) References in this Act to the Department of
20 Financial Institutions or "the Department" mean the
21 Department of Financial and Professional Regulation.

22 (2) References in this Act to the Director of Financial
23 Institutions or "the Director" mean the Secretary of

1 Financial and Professional Regulation.

2 (205 ILCS 657/93)

3 Sec. 93. Consumer Protection Fund.

4 (a) A special income-earning fund is hereby created in the
5 State treasury, known as the TOMA Consumer Protection Fund.

6 (b) All moneys paid into the fund together with all
7 accumulated undistributed income thereon shall be held as a
8 special fund in the State treasury. The fund shall be used
9 solely for the purpose of providing restitution to consumers
10 who have suffered monetary loss arising out of a transaction
11 regulated by this Act.

12 (c) The fund shall be applied only to restitution when
13 restitution has been ordered by the Director. Restitution shall
14 not exceed the amount actually lost by the consumer. The fund
15 shall not be used for the payment of any attorney or other
16 fees.

17 (d) The fund shall be subrogated to the amount of the
18 restitution, and the Director shall request the Attorney
19 General to engage in all reasonable collection steps to collect
20 restitution from the party responsible for the loss and
21 reimburse the fund.

22 (e) Notwithstanding any other provisions of this Section,
23 the payment of restitution from the fund shall be a matter of
24 grace and not of right, and no consumer shall have any vested
25 rights in the fund as a beneficiary or otherwise. Before

1 seeking restitution from the fund, the consumer or beneficiary
2 seeking payment of restitution shall apply for restitution on a
3 form provided by the Director. The form shall include any
4 information the Director may reasonably require in order to
5 determine that restitution is appropriate.

6 (f) Notwithstanding any other provision of this Section,
7 moneys in the TOMA Consumer Protection Fund may be transferred
8 to the Professions Indirect Cost Fund, as authorized under
9 Section 2105-300 of the Department of Financial and
10 Professional Regulation (Professional Regulation) Law of the
11 Civil Administrative Code of Illinois.

12 (Source: P.A. 93-535, eff. 1-1-04; 94-91, eff. 7-1-05.)

13 Section 9260. The Sales Finance Agency Act is amended by
14 adding Section 1.5 as follows:

15 (205 ILCS 660/1.5 new)

16 Sec. 1.5. References to Department or Director of Financial
17 Institutions. On and after the effective date of this
18 amendatory Act of the 95th General Assembly:

19 (1) References in this Act to the Department of
20 Financial Institutions or "the Department" mean the
21 Department of Financial and Professional Regulation.

22 (2) References in this Act to the Director of Financial
23 Institutions or "the Director" mean the Secretary of
24 Financial and Professional Regulation.

1 Section 9265. The Debt Management Service Act is amended by
2 adding Section 1.5 as follows:

3 (205 ILCS 665/1.5 new)

4 Sec. 1.5. References to Department or Director of Financial
5 Institutions. On and after the effective date of this
6 amendatory Act of the 95th General Assembly:

7 (1) References in this Act to the Department of
8 Financial Institutions or "the Department" mean the
9 Department of Financial and Professional Regulation.

10 (2) References in this Act to the Director of Financial
11 Institutions or "the Director" mean the Secretary of
12 Financial and Professional Regulation.

13 Section 9270. The Consumer Installment Loan Act is amended
14 by adding Section 0.5 as follows:

15 (205 ILCS 670/0.5 new)

16 Sec. 0.5. References to Department or Director of Financial
17 Institutions. On and after the effective date of this
18 amendatory Act of the 95th General Assembly:

19 (1) References in this Act to the Department of
20 Financial Institutions or "the Department" mean the
21 Department of Financial and Professional Regulation.

22 (2) References in this Act to the Director of Financial

1 Institutions or "the Director" mean the Secretary of
2 Financial and Professional Regulation.

3 Section 9275. The Financial Institution Activity Reporting
4 Act is amended by adding Section 2 as follows:

5 (205 ILCS 680/2 new)

6 Sec. 2. References to Office or Commissioner of Banks and
7 Real Estate. On and after the effective date of this amendatory
8 Act of the 95th General Assembly:

9 (1) References in this Act to the Office of Banks and
10 Real Estate or "the Office" mean the Department of
11 Financial and Professional Regulation.

12 (2) References in this Act to the Commissioner of Banks
13 and Real Estate or "the Commissioner" mean the Secretary of
14 Financial and Professional Regulation.

15 Section 9280. The Check Printer and Check Number Act is
16 amended by adding Section 2 as follows:

17 (205 ILCS 690/2 new)

18 Sec. 2. References to Office or Commissioner of Banks and
19 Real Estate. On and after the effective date of this amendatory
20 Act of the 95th General Assembly:

21 (1) References in this Act to the Office of Banks and
22 Real Estate or "the Office" mean the Department of

1 Financial and Professional Regulation.

2 (2) References in this Act to the Commissioner of Banks
3 and Real Estate or "the Commissioner" mean the Secretary of
4 Financial and Professional Regulation.

5 Section 9285. The Data Processing Services for Financial
6 Institutions Act is amended by changing Section 5 as follows:

7 (205 ILCS 715/5)

8 Sec. 5. Definitions. As used in this Act, the following
9 terms shall have the following meanings:

10 "Corporate fiduciary" has the meaning ascribed to that term
11 in the Corporate Fiduciary Act.

12 "Depository institution" means a bank, savings and loan
13 association, savings bank, or credit union chartered under the
14 laws of Illinois or of the United States.

15 "Financial institution" means any depository institution
16 or corporate fiduciary that has its main office in Illinois and
17 includes foreign banking corporations that receive
18 certificates of authority from the Department of Financial and
19 Professional Regulation ~~Office of Banks and Real Estate~~ under
20 the Foreign Banking Office Act.

21 "Independent data processing servicer" means an entity
22 that provides electronic data processing services to a
23 financial institution, but does not include an entity to the
24 extent the entity processes interchange transactions, as

1 defined in the Electronic Fund Transfer Act.

2 "Interface agreement" means a written agreement specifying
3 the terms and conditions under which an interface of
4 communications, data, or systems between independent data
5 processing servicers shall be accomplished.

6 "Main office" means the location designated as the main
7 office or principal place of business in the charter, articles
8 of incorporation, or certificate of authority of the depository
9 institution or corporate fiduciary.

10 (Source: P.A. 91-742, eff. 6-2-00.)

11 Section 9290. The Illinois Clinical Laboratory and Blood
12 Bank Act is amended by changing Section 2-116 as follows:

13 (210 ILCS 25/2-116) (from Ch. 111 1/2, par. 622-116)

14 Sec. 2-116. "Physician" means, unless otherwise indicated
15 in this Act, (a) a person licensed by the Department of
16 Financial and Professional Regulation or its predecessor, the
17 Department of Professional Regulation, pursuant to the
18 requirements of the Medical Practice Act of 1987; or (b) a
19 person licensed as a physician under the laws of another state
20 or territory of the United States.

21 (Source: P.A. 85-1025.)

22 Section 9295. The Nursing Home Care Act is amended by
23 changing Sections 2-205, 3-108, 3-206, and 3-210 as follows:

1 (210 ILCS 45/2-205) (from Ch. 111 1/2, par. 4152-205)

2 Sec. 2-205. The following information is subject to
3 disclosure to the public from the Department or the Department
4 of Healthcare and Family Services:

5 (1) Information submitted under Sections 3-103 and
6 3-207 except information concerning the remuneration of
7 personnel licensed, registered, or certified by the
8 Department of Financial and Professional Regulation or its
9 predecessor, the Department of Professional Regulation,
10 and monthly charges for an individual private resident;

11 (2) Records of license and certification inspections,
12 surveys, and evaluations of facilities, other reports of
13 inspections, surveys, and evaluations of resident care,
14 and reports concerning a facility prepared pursuant to
15 Titles XVIII and XIX of the Social Security Act, subject to
16 the provisions of the Social Security Act;

17 (3) Cost and reimbursement reports submitted by a
18 facility under Section 3-208, reports of audits of
19 facilities, and other public records concerning costs
20 incurred by, revenues received by, and reimbursement of
21 facilities; and

22 (4) Complaints filed against a facility and complaint
23 investigation reports, except that a complaint or
24 complaint investigation report shall not be disclosed to a
25 person other than the complainant or complainant's

1 representative before it is disclosed to a facility under
2 Section 3-702, and, further, except that a complainant or
3 resident's name shall not be disclosed except under Section
4 3-702.

5 The Department shall disclose information under this
6 Section in accordance with provisions for inspection and
7 copying of public records required by the Freedom of
8 Information Act.

9 However, the disclosure of information described in
10 subsection (1) shall not be restricted by any provision of the
11 Freedom of Information Act.

12 (Source: P.A. 95-331, eff. 8-21-07.)

13 (210 ILCS 45/3-108) (from Ch. 111 1/2, par. 4153-108)

14 Sec. 3-108. The Department shall coordinate the functions
15 within State government affecting facilities licensed under
16 this Act and shall cooperate with other State agencies which
17 establish standards or requirements for facilities to assure
18 necessary, equitable, and consistent State supervision of
19 licensees without unnecessary duplication of survey,
20 evaluation, and consultation services or complaint
21 investigations. The Department shall cooperate with the
22 Department of Human Services in regard to facilities containing
23 more than 20% of residents for whom the Department of Human
24 Services has mandated follow-up responsibilities under the
25 Mental Health and Developmental Disabilities Administrative

1 Act.

2 The Department shall cooperate with the Department of
3 Healthcare and Family Services in regard to facilities where
4 recipients of public aid are residents.

5 The Department shall immediately refer to the Department of
6 Financial and Professional Regulation for investigation any
7 credible evidence of which it has knowledge that an individual
8 licensed by that Department or by its predecessor, the
9 Department of Professional Regulation, has violated this Act or
10 any rule issued under this Act.

11 The Department shall enter into agreements with other State
12 Departments, agencies or commissions to effectuate the purpose
13 of this Section.

14 (Source: P.A. 95-331, eff. 8-21-07.)

15 (210 ILCS 45/3-206) (from Ch. 111 1/2, par. 4153-206)

16 Sec. 3-206. The Department shall prescribe a curriculum for
17 training nursing assistants, habilitation aides, and child
18 care aides.

19 (a) No person, except a volunteer who receives no
20 compensation from a facility and is not included for the
21 purpose of meeting any staffing requirements set forth by the
22 Department, shall act as a nursing assistant, habilitation
23 aide, or child care aide in a facility, nor shall any person,
24 under any other title, not licensed, certified, or registered
25 to render medical care by the Department of Financial and

1 Professional Regulation or its predecessor, the Department of
2 Professional Regulation, assist with the personal, medical, or
3 nursing care of residents in a facility, unless such person
4 meets the following requirements:

5 (1) Be at least 16 years of age, of temperate habits
6 and good moral character, honest, reliable and
7 trustworthy;

8 (2) Be able to speak and understand the English
9 language or a language understood by a substantial
10 percentage of the facility's residents;

11 (3) Provide evidence of employment or occupation, if
12 any, and residence for 2 years prior to his present
13 employment;

14 (4) Have completed at least 8 years of grade school or
15 provide proof of equivalent knowledge;

16 (5) Begin a current course of training for nursing
17 assistants, habilitation aides, or child care aides,
18 approved by the Department, within 45 days of initial
19 employment in the capacity of a nursing assistant,
20 habilitation aide, or child care aide at any facility. Such
21 courses of training shall be successfully completed within
22 120 days of initial employment in the capacity of nursing
23 assistant, habilitation aide, or child care aide at a
24 facility. Nursing assistants, habilitation aides, and
25 child care aides who are enrolled in approved courses in
26 community colleges or other educational institutions on a

1 term, semester or trimester basis, shall be exempt from the
2 120 day completion time limit. The Department shall adopt
3 rules for such courses of training. These rules shall
4 include procedures for facilities to carry on an approved
5 course of training within the facility.

6 The Department may accept comparable training in lieu
7 of the 120 hour course for student nurses, foreign nurses,
8 military personnel, or employes of the Department of Human
9 Services.

10 The facility shall develop and implement procedures,
11 which shall be approved by the Department, for an ongoing
12 review process, which shall take place within the facility,
13 for nursing assistants, habilitation aides, and child care
14 aides.

15 At the time of each regularly scheduled licensure
16 survey, or at the time of a complaint investigation, the
17 Department may require any nursing assistant, habilitation
18 aide, or child care aide to demonstrate, either through
19 written examination or action, or both, sufficient
20 knowledge in all areas of required training. If such
21 knowledge is inadequate the Department shall require the
22 nursing assistant, habilitation aide, or child care aide to
23 complete inservice training and review in the facility
24 until the nursing assistant, habilitation aide, or child
25 care aide demonstrates to the Department, either through
26 written examination or action, or both, sufficient

1 knowledge in all areas of required training; and

2 (6) Be familiar with and have general skills related to
3 resident care.

4 (a-0.5) An educational entity, other than a secondary
5 school, conducting a nursing assistant, habilitation aide, or
6 child care aide training program shall initiate a UCIA criminal
7 history record check prior to entry of an individual into the
8 training program. A secondary school may initiate a UCIA
9 criminal history record check prior to the entry of an
10 individual into a training program.

11 (a-1) Nursing assistants, habilitation aides, or child
12 care aides seeking to be included on the registry on or after
13 January 1, 1996 must authorize the Department of Public Health
14 or its designee that tests nursing assistants to request a UCIA
15 criminal history check and submit all necessary information.

16 (b) Persons subject to this Section shall perform their
17 duties under the supervision of a nurse.

18 (c) It is unlawful for any facility to employ any person in
19 the capacity of nursing assistant, habilitation aide, or child
20 care aide, or under any other title, not licensed by the State
21 of Illinois to assist in the personal, medical, or nursing care
22 of residents in such facility unless such person has complied
23 with this Section.

24 (d) Proof of compliance by each employee with the
25 requirements set out in this Section shall be maintained for
26 each such employee by each facility in the individual personnel

1 folder of the employee.

2 (e) Each facility shall certify to the Department on a form
3 provided by the Department the name and residence address of
4 each employee, and that each employee subject to this Section
5 meets all the requirements of this Section.

6 (f) Any facility that is operated under Section 3-803 shall
7 be exempt from the requirements of this Section.

8 (g) Each skilled nursing and intermediate care facility
9 that admits persons who are diagnosed as having Alzheimer's
10 disease or related dementias shall require all nursing
11 assistants, habilitation aides, or child care aides, who did
12 not receive 12 hours of training in the care and treatment of
13 such residents during the training required under paragraph (5)
14 of subsection (a), to obtain 12 hours of in-house training in
15 the care and treatment of such residents. If the facility does
16 not provide the training in-house, the training shall be
17 obtained from other facilities, community colleges or other
18 educational institutions that have a recognized course for such
19 training. The Department shall, by rule, establish a recognized
20 course for such training. The Department's rules shall provide
21 that such training may be conducted in-house at each facility
22 subject to the requirements of this subsection, in which case
23 such training shall be monitored by the Department.

24 The Department's rules shall also provide for
25 circumstances and procedures whereby any person who has
26 received training that meets the requirements of this

1 subsection shall not be required to undergo additional training
2 if he or she is transferred to or obtains employment at a
3 different facility but remains continuously employed as a
4 nursing assistant, habilitation aide, or child care aide.
5 Licensed sheltered care facilities shall be exempt from the
6 requirements of this Section.

7 (Source: P.A. 91-598, eff. 1-1-00.)

8 (210 ILCS 45/3-210) (from Ch. 111 1/2, par. 4153-210)

9 Sec. 3-210. A facility shall retain the following for
10 public inspection:

11 (1) A complete copy of every inspection report of the
12 facility received from the Department during the past 5 years;

13 (2) A copy of every order pertaining to the facility issued
14 by the Department or a court during the past 5 years;

15 (3) A description of the services provided by the facility
16 and the rates charged for those services and items for which a
17 resident may be separately charged;

18 (4) A copy of the statement of ownership required by
19 Section 3-207;

20 (5) A record of personnel employed or retained by the
21 facility who are licensed, certified or registered by the
22 Department of Financial and Professional Regulation or its
23 predecessor, the Department of Professional Regulation; and

24 (6) A complete copy of the most recent inspection report of
25 the facility received from the Department.

1 (Source: P.A. 85-1209)

2 Section 9300. The Hospital Licensing Act is amended by
3 changing Sections 10.3 and 10.4 as follows:

4 (210 ILCS 85/10.3) (from Ch. 111 1/2, par. 151.3)

5 Sec. 10.3. No hospital shall allow any person to take part
6 as a student in a clinical training program of that hospital
7 which is designed, in whole or in part, to fulfill the
8 requirements for licensure as a physician unless that person is
9 currently enrolled as a student in a curriculum of a medical or
10 osteopathic college or school which has been approved as being
11 reputable and in good standing by the Department of Financial
12 and Professional Regulation or its predecessor, the Department
13 of Professional Regulation, or is enrolled in a curriculum of a
14 professional school, college or institution teaching the
15 treatment of human ailments without drugs or medicines and
16 without operative surgery which has been approved as being
17 reputable and in good standing by the Department of Financial
18 and Professional Regulation or its predecessor, the Department
19 of Professional Regulation.

20 (Source: P.A. 85-1209.)

21 (210 ILCS 85/10.4) (from Ch. 111 1/2, par. 151.4)

22 Sec. 10.4. Medical staff privileges.

23 (a) Any hospital licensed under this Act or any hospital

1 organized under the University of Illinois Hospital Act shall,
2 prior to the granting of any medical staff privileges to an
3 applicant, or renewing a current medical staff member's
4 privileges, request of the Secretary ~~Director~~ of Financial and
5 Professional Regulation information concerning the licensure
6 status and any disciplinary action taken against the
7 applicant's or medical staff member's license, except: (1) for
8 medical personnel who enter a hospital to obtain organs and
9 tissues for transplant from a donor in accordance with the
10 Illinois Anatomical Gift Act; or (2) for medical personnel who
11 have been granted disaster privileges pursuant to the
12 procedures and requirements established by rules adopted by the
13 Department. Any hospital and any employees of the hospital or
14 others involved in granting privileges who, in good faith,
15 grant disaster privileges pursuant to this Section to respond
16 to an emergency shall not, as a result of their acts or
17 omissions, be liable for civil damages for granting or denying
18 disaster privileges except in the event of willful and wanton
19 misconduct, as that term is defined in Section 10.2 of this
20 Act. Individuals granted privileges who provide care in an
21 emergency situation, in good faith and without direct
22 compensation, shall not, as a result of their acts or
23 omissions, except for acts or omissions involving willful and
24 wanton misconduct, as that term is defined in Section 10.2 of
25 this Act, on the part of the person, be liable for civil
26 damages. The Secretary ~~Director~~ of Financial and Professional

1 Regulation shall transmit, in writing and in a timely fashion,
2 such information regarding the license of the applicant or the
3 medical staff member, including the record of imposition of any
4 periods of supervision or monitoring as a result of alcohol or
5 substance abuse, as provided by Section 23 of the Medical
6 Practice Act of 1987, and such information as may have been
7 submitted to the Department indicating that the application or
8 medical staff member has been denied, or has surrendered,
9 medical staff privileges at a hospital licensed under this Act,
10 or any equivalent facility in another state or territory of the
11 United States. The Secretary ~~Director~~ of Financial and
12 Professional Regulation shall define by rule the period for
13 timely response to such requests.

14 No transmittal of information by the Secretary ~~Director~~ of
15 Financial and Professional Regulation, under this Section
16 shall be to other than the president, chief operating officer,
17 chief administrative officer, or chief of the medical staff of
18 a hospital licensed under this Act, a hospital organized under
19 the University of Illinois Hospital Act, or a hospital operated
20 by the United States, or any of its instrumentalities. The
21 information so transmitted shall be afforded the same status as
22 is information concerning medical studies by Part 21 of Article
23 VIII of the Code of Civil Procedure, as now or hereafter
24 amended.

25 (b) All hospitals licensed under this Act, except county
26 hospitals as defined in subsection (c) of Section 15-1 of the

1 Illinois Public Aid Code, shall comply with, and the medical
2 staff bylaws of these hospitals shall include rules consistent
3 with, the provisions of this Section in granting, limiting,
4 renewing, or denying medical staff membership and clinical
5 staff privileges. Hospitals that require medical staff members
6 to possess faculty status with a specific institution of higher
7 education are not required to comply with subsection (1) below
8 when the physician does not possess faculty status.

9 (1) Minimum procedures for pre-applicants and
10 applicants for medical staff membership shall include the
11 following:

12 (A) Written procedures relating to the acceptance
13 and processing of pre-applicants or applicants for
14 medical staff membership, which should be contained in
15 medical staff bylaws.

16 (B) Written procedures to be followed in
17 determining a pre-applicant's or an applicant's
18 qualifications for being granted medical staff
19 membership and privileges.

20 (C) Written criteria to be followed in evaluating a
21 pre-applicant's or an applicant's qualifications.

22 (D) An evaluation of a pre-applicant's or an
23 applicant's current health status and current license
24 status in Illinois.

25 (E) A written response to each pre-applicant or
26 applicant that explains the reason or reasons for any

1 adverse decision (including all reasons based in whole
2 or in part on the applicant's medical qualifications or
3 any other basis, including economic factors).

4 (2) Minimum procedures with respect to medical staff
5 and clinical privilege determinations concerning current
6 members of the medical staff shall include the following:

7 (A) A written notice of an adverse decision.

8 (B) An explanation of the reasons for an adverse
9 decision including all reasons based on the quality of
10 medical care or any other basis, including economic
11 factors.

12 (C) A statement of the medical staff member's right
13 to request a fair hearing on the adverse decision
14 before a hearing panel whose membership is mutually
15 agreed upon by the medical staff and the hospital
16 governing board. The hearing panel shall have
17 independent authority to recommend action to the
18 hospital governing board. Upon the request of the
19 medical staff member or the hospital governing board,
20 the hearing panel shall make findings concerning the
21 nature of each basis for any adverse decision
22 recommended to and accepted by the hospital governing
23 board.

24 (i) Nothing in this subparagraph (C) limits a
25 hospital's or medical staff's right to summarily
26 suspend, without a prior hearing, a person's

1 medical staff membership or clinical privileges if
2 the continuation of practice of a medical staff
3 member constitutes an immediate danger to the
4 public, including patients, visitors, and hospital
5 employees and staff. A fair hearing shall be
6 commenced within 15 days after the suspension and
7 completed without delay.

8 (ii) Nothing in this subparagraph (C) limits a
9 medical staff's right to permit, in the medical
10 staff bylaws, summary suspension of membership or
11 clinical privileges in designated administrative
12 circumstances as specifically approved by the
13 medical staff. This bylaw provision must
14 specifically describe both the administrative
15 circumstance that can result in a summary
16 suspension and the length of the summary
17 suspension. The opportunity for a fair hearing is
18 required for any administrative summary
19 suspension. Any requested hearing must be
20 commenced within 15 days after the summary
21 suspension and completed without delay. Adverse
22 decisions other than suspension or other
23 restrictions on the treatment or admission of
24 patients may be imposed summarily and without a
25 hearing under designated administrative
26 circumstances as specifically provided for in the

1 medical staff bylaws as approved by the medical
2 staff.

3 (iii) If a hospital exercises its option to
4 enter into an exclusive contract and that contract
5 results in the total or partial termination or
6 reduction of medical staff membership or clinical
7 privileges of a current medical staff member, the
8 hospital shall provide the affected medical staff
9 member 60 days prior notice of the effect on his or
10 her medical staff membership or privileges. An
11 affected medical staff member desiring a hearing
12 under subparagraph (C) of this paragraph (2) must
13 request the hearing within 14 days after the date
14 he or she is so notified. The requested hearing
15 shall be commenced and completed (with a report and
16 recommendation to the affected medical staff
17 member, hospital governing board, and medical
18 staff) within 30 days after the date of the medical
19 staff member's request. If agreed upon by both the
20 medical staff and the hospital governing board,
21 the medical staff bylaws may provide for longer
22 time periods.

23 (D) A statement of the member's right to inspect
24 all pertinent information in the hospital's possession
25 with respect to the decision.

26 (E) A statement of the member's right to present

1 witnesses and other evidence at the hearing on the
2 decision.

3 (F) A written notice and written explanation of the
4 decision resulting from the hearing.

5 (F-5) A written notice of a final adverse decision
6 by a hospital governing board.

7 (G) Notice given 15 days before implementation of
8 an adverse medical staff membership or clinical
9 privileges decision based substantially on economic
10 factors. This notice shall be given after the medical
11 staff member exhausts all applicable procedures under
12 this Section, including item (iii) of subparagraph (C)
13 of this paragraph (2), and under the medical staff
14 bylaws in order to allow sufficient time for the
15 orderly provision of patient care.

16 (H) Nothing in this paragraph (2) of this
17 subsection (b) limits a medical staff member's right to
18 waive, in writing, the rights provided in
19 subparagraphs (A) through (G) of this paragraph (2) of
20 this subsection (b) upon being granted the written
21 exclusive right to provide particular services at a
22 hospital, either individually or as a member of a
23 group. If an exclusive contract is signed by a
24 representative of a group of physicians, a waiver
25 contained in the contract shall apply to all members of
26 the group unless stated otherwise in the contract.

1 (3) Every adverse medical staff membership and
2 clinical privilege decision based substantially on
3 economic factors shall be reported to the Hospital
4 Licensing Board before the decision takes effect. These
5 reports shall not be disclosed in any form that reveals the
6 identity of any hospital or physician. These reports shall
7 be utilized to study the effects that hospital medical
8 staff membership and clinical privilege decisions based
9 upon economic factors have on access to care and the
10 availability of physician services. The Hospital Licensing
11 Board shall submit an initial study to the Governor and the
12 General Assembly by January 1, 1996, and subsequent reports
13 shall be submitted periodically thereafter.

14 (4) As used in this Section:

15 "Adverse decision" means a decision reducing,
16 restricting, suspending, revoking, denying, or not
17 renewing medical staff membership or clinical privileges.

18 "Economic factor" means any information or reasons for
19 decisions unrelated to quality of care or professional
20 competency.

21 "Pre-applicant" means a physician licensed to practice
22 medicine in all its branches who requests an application
23 for medical staff membership or privileges.

24 "Privilege" means permission to provide medical or
25 other patient care services and permission to use hospital
26 resources, including equipment, facilities and personnel

1 that are necessary to effectively provide medical or other
2 patient care services. This definition shall not be
3 construed to require a hospital to acquire additional
4 equipment, facilities, or personnel to accommodate the
5 granting of privileges.

6 (5) Any amendment to medical staff bylaws required
7 because of this amendatory Act of the 91st General Assembly
8 shall be adopted on or before July 1, 2001.

9 (c) All hospitals shall consult with the medical staff
10 prior to closing membership in the entire or any portion of the
11 medical staff or a department. If the hospital closes
12 membership in the medical staff, any portion of the medical
13 staff, or the department over the objections of the medical
14 staff, then the hospital shall provide a detailed written
15 explanation for the decision to the medical staff 10 days prior
16 to the effective date of any closure. No applications need to
17 be provided when membership in the medical staff or any
18 relevant portion of the medical staff is closed.

19 (Source: P.A. 95-331, eff. 8-21-07.)

20 Section 9305. The Illinois Insurance Code is amended by
21 changing Sections 107a.05, 155.24, 408.3, and 511.111 and by
22 adding Section 1.5 as follows:

23 (215 ILCS 5/1.5 new)

24 Sec. 1.5. References to Department or Director of

1 Insurance. On and after the effective date of this amendatory
2 Act of the 95th General Assembly:

3 (1) References in this Code to the Department of
4 Insurance or "the Department" mean the Department of
5 Financial and Professional Regulation.

6 (2) References in this Code to the Director of
7 Insurance or "the Director" mean the Secretary of Financial
8 and Professional Regulation.

9 (215 ILCS 5/107a.05)

10 Sec. 107a.05. Definitions and interchangeable terms.

11 (a) Unless otherwise provided, the following definitions
12 shall apply:

13 "Authorized insurer" means an insurer licensed in this
14 State to transact business as described in Clauses (c) and (d)
15 of Class 2 of Section 4 of this Code.

16 "Calendar Quarter" means the 3-month periods ending March
17 31, June 30, September 30, and December 31.

18 "Director" means the Director of Insurance.

19 "Engaged actively in the business" means a bona fide
20 business concern having conducted commerce, trade, or industry
21 in this State for a specified period of time. Any and all
22 records relating to this requirement shall be open to
23 inspection by the Director or his designee during normal
24 business hours.

25 "Gross annual payroll" means payroll for the preceding

1 fiscal year.

2 "Independent actuarial opinion" means an opinion expressed
3 by a member of the American Academy of Actuaries or Casualty
4 Actuarial Society.

5 "Independent CPA" means an independent certified public
6 accountant or independent certified public accounting firm in
7 good standing and licensed to practice by the Department of
8 Professional Regulation or by its successor, the Department of
9 Financial and Professional Regulation.

10 "Pool" means a qualified group workers' compensation pool
11 as authorized by this Article.

12 "Qualified group workers' compensation pool" means a group
13 workers' compensation pool that has received a certificate of
14 authority pursuant to this Article.

15 (b) For purposes of incorporating the provisions of this
16 Code designated in paragraphs (1) and (2) of subsection (a) of
17 Section 107a.04 into this Article, the following terms shall be
18 interchangeable:

19 "Contribution" shall be considered premium.

20 "Pooling agreement" shall be considered a policy of
21 insurance.

22 "Trustees of a group workers' compensation pool" shall be
23 considered as though they were directors of a domestic mutual
24 insurance company.

25 (Source: P.A. 91-757, eff. 1-1-01.)

1 (215 ILCS 5/155.24) (from Ch. 73, par. 767.24)
2 Sec. 155.24. Motor Vehicle Theft and Motor Insurance Fraud
3 Reporting and Immunity Law.

4 (a) As used in this Section:

5 (1) "authorized governmental agency" means the
6 Illinois Department of State Police, a local governmental
7 police department, a county sheriff's office, a State's
8 Attorney, the Attorney General, a municipal attorney, a
9 United States district attorney, a duly constituted
10 criminal investigative agency of the United States
11 government, ~~the Illinois Department of Insurance,~~ the
12 Illinois Department of Financial and Professional
13 Regulation and the office of the Illinois Secretary of
14 State;

15 (2) "relevant" means having a tendency to make the
16 existence of any information that is of consequence to an
17 investigation of motor vehicle theft or insurance fraud
18 investigation or a determination of such issue more
19 probable or less probable than it would be without such
20 information;

21 (3) information will be "deemed important" if within
22 the sole discretion of the authorized governmental agency
23 such information is requested by that authorized
24 governmental agency;

25 (4) "Illinois authorized governmental agency" means an
26 authorized governmental agency as defined in item (1) that

1 is a part of the government of the State of Illinois or any
2 of the counties or municipalities of this State or any
3 other authorized entity; and

4 (5) For the purposes of this Section and Section
5 155.23, "insurer" means insurance companies, insurance
6 support organizations, self-insured entities, and other
7 providers of insurance products and services doing
8 business in the State of Illinois.

9 (b) Upon written request to an insurer by an authorized
10 governmental agency, an insurer or agent authorized by an
11 insurer to act on its behalf shall release to the requesting
12 authorized governmental agency any or all relevant information
13 deemed important to the authorized governmental agency which
14 the insurer may possess relating to any specific motor vehicle
15 theft or motor vehicle insurance fraud. Relevant information
16 may include, but is not limited to:

17 (1) Insurance policy information relevant to the motor
18 vehicle theft or motor vehicle insurance fraud under
19 investigation, including any application for such a
20 policy.

21 (2) Policy premium payment records which are
22 available.

23 (3) History of previous claims made by the insured.

24 (4) Information relating to the investigation of the
25 motor vehicle theft or motor vehicle insurance fraud,
26 including statements of any person, proofs of loss and

1 notice of loss.

2 (c) When an insurer knows or reasonably believes to know
3 the identity of a person whom it has reason to believe
4 committed a criminal or fraudulent act relating to a motor
5 vehicle theft or a motor vehicle insurance claim or has
6 knowledge of such a criminal or fraudulent act which is
7 reasonably believed not to have been reported to an authorized
8 governmental agency, then for the purpose of notification and
9 investigation, the insurer or an agent authorized by an insurer
10 to act on its behalf shall notify an authorized governmental
11 agency of such knowledge or reasonable belief and provide any
12 additional relevant information in accordance with subsection
13 (b) of this Section. When the motor vehicle theft or motor
14 vehicle claim that gives rise to the suspected criminal or
15 fraudulent act has already generated an incident report to an
16 Illinois authorized governmental agency, the insurer shall
17 report the suspected criminal or fraudulent act to that agency.
18 When no prior incident report has been made, the insurer shall
19 report the suspected criminal or fraudulent act to the Attorney
20 General or State's Attorney in the county or counties where the
21 incident is claimed to have occurred. When the incident that
22 gives rise to the suspected criminal or fraudulent act is
23 claimed to have occurred outside the State of Illinois, but the
24 suspected criminal or fraudulent act occurs within the State of
25 Illinois, the insurer shall make the report to the Attorney
26 General or State's Attorney in the county or counties where the

1 suspected criminal or fraudulent act occurred. When the fraud
2 occurs in multiple counties the report shall also be sent to
3 the Attorney General.

4 (d) When an insurer provides any of the authorized
5 governmental agencies with notice pursuant to this Section it
6 shall be deemed sufficient notice to all authorized
7 governmental agencies for the purpose of this Act.

8 (e) The authorized governmental agency provided with
9 information pursuant to this Section may release or provide
10 such information to any other authorized governmental agency.

11 (f) Any insurer providing information to an authorized
12 governmental agency pursuant to this Section shall have the
13 right to request and receive relevant information from such
14 authorized governmental agency, and receive within a
15 reasonable time after the completion of the investigation, not
16 to exceed 30 days, the information requested.

17 (g) Any information furnished pursuant to this Section
18 shall be privileged and not a part of any public record. Except
19 as otherwise provided by law, any authorized governmental
20 agency, insurer, or an agent authorized by an insurer to act on
21 its behalf which receives any information furnished pursuant to
22 this Section, shall not release such information to public
23 inspection. Such evidence or information shall not be subject
24 to subpoena duces tecum in a civil or criminal proceeding
25 unless, after reasonable notice to any insurer, agent
26 authorized by an insurer to act on its behalf and authorized

1 governmental agency which has an interest in such information
2 and a hearing, the court determines that the public interest
3 and any ongoing investigation by the authorized governmental
4 agency, insurer, or any agent authorized by an insurer to act
5 on its behalf will not be jeopardized by obedience to such a
6 subpoena duces tecum.

7 (h) No insurer, or agent authorized by an insurer on its
8 behalf, authorized governmental agency or their respective
9 employees shall be subject to any civil or criminal liability
10 in a cause of action of any kind for releasing or receiving any
11 information pursuant to this Section. Nothing herein is
12 intended to or does in any way or manner abrogate or lessen the
13 common and statutory law privileges and immunities of an
14 insurer, agent authorized by an insurer to act on its behalf or
15 authorized governmental agency or any of their respective
16 employees.

17 (Source: P.A. 92-233, eff. 1-1-02.)

18 (215 ILCS 5/408.3) (from Ch. 73, par. 1020.3)

19 Sec. 408.3. Insurance Financial Regulation Fund; uses. The
20 monies deposited into the Insurance Financial Regulation Fund
21 shall be used only for (i) payment of the expenses of the
22 Department, including related administrative expenses,
23 incurred in analyzing, investigating and examining the
24 financial condition or control of insurance companies and other
25 entities licensed or seeking to be licensed by the Department,

1 including the collection, analysis and distribution of
2 information on insurance premiums, other income, costs and
3 expenses, and (ii) to pay internal costs and expenses of the
4 Interstate Insurance Receivership Commission allocated to this
5 State and authorized and admitted companies doing an insurance
6 business in this State under Article X of the Interstate
7 Receivership Compact. All distributions and payments from the
8 Insurance Financial Regulation Fund shall be subject to
9 appropriation as otherwise provided by law for payment of such
10 expenses.

11 Sums appropriated under clause (ii) of the preceding
12 paragraph shall be deemed to satisfy, pro tanto, the
13 obligations of insurers doing business in this State under
14 Article X of the Interstate Insurance Receivership Compact.

15 Nothing in this Code shall prohibit the General Assembly
16 from appropriating funds from the General Revenue Fund to the
17 Department for the purpose of administering this Code.

18 No fees collected pursuant to Section 408 of this Code
19 shall be used for the regulation of pension funds or activities
20 by the Department in the performance of its duties under
21 Article 22 of the Illinois Pension Code.

22 If at the end of a fiscal year the balance in the Insurance
23 Financial Regulation Fund which remains unexpended or
24 unobligated exceeds the amount of funds that the Director may
25 certify is needed for the purposes enumerated in this Section,
26 then the General Assembly may appropriate that excess amount

1 for purposes other than those enumerated in this Section.

2 Moneys in the Insurance Financial Regulation Fund may be
3 transferred to the Professions Indirect Cost Fund, as
4 authorized under Section 2105-300 of the Department of
5 Financial and Professional Regulation (Professional
6 Regulation) Law of the Civil Administrative Code of Illinois.
7 (Source: P.A. 94-91, eff. 7-1-05.)

8 (215 ILCS 5/511.111) (from Ch. 73, par. 1065.58-111)

9 Sec. 511.111. Insurance Producer Administration Fund. All
10 fees and fines paid to and collected by the Director under this
11 Article shall be paid promptly after receipt thereof, together
12 with a detailed statement of such fees, into a special fund in
13 the State Treasury to be known as the Insurance Producer
14 Administration Fund. The monies deposited into the Insurance
15 Producer Administration Fund shall be used only for payment of
16 the expenses of the Department and shall be appropriated as
17 otherwise provided by law for the payment of such expenses.
18 Moneys in the Insurance Producers Administration Fund may be
19 transferred to the Professions Indirect Cost Fund, as
20 authorized under Section 2105-300 of the Department of
21 Financial and Professional Regulation (Professional
22 Regulation) Law of the Civil Administrative Code of Illinois.
23 (Source: P.A. 94-91, eff. 7-1-05.)

24 Section 9310. The Small Employer Health Insurance Rating

1 Act is amended by adding Section 2 as follows:

2 (215 ILCS 93/2 new)

3 Sec. 2. References to Department or Director of Insurance.

4 On and after the effective date of this amendatory Act of the
5 95th General Assembly:

6 (1) References in this Act to the Department of
7 Insurance or "the Department" mean the Department of
8 Financial and Professional Regulation.

9 (2) References in this Act to the Director of Insurance
10 or "the Director" mean the Secretary of Financial and
11 Professional Regulation.

12 Section 9315. The Illinois Health Insurance Portability
13 and Accountability Act is amended by changing Section 5 as
14 follows:

15 (215 ILCS 97/5)

16 Sec. 5. Definitions.

17 "Affiliate" means a person that directly, or indirectly
18 through one or more intermediaries, controls, is controlled by,
19 or is under common control with the person specified.

20 "Beneficiary" has the meaning given such term under Section
21 3(8) of the Employee Retirement Income Security Act of 1974.

22 "Bona fide association" means, with respect to health
23 insurance coverage offered in a State, an association which:

1 (1) has been actively in existence for at least 5
2 years;

3 (2) has been formed and maintained in good faith for
4 purposes other than obtaining insurance;

5 (3) does not condition membership in the association on
6 any health status-related factor relating to an individual
7 (including an employee of an employer or a dependent of an
8 employee);

9 (4) makes health insurance coverage offered through
10 the association available to all members regardless of any
11 health status-related factor relating to such members (or
12 individuals eligible for coverage through a member);

13 (5) does not make health insurance coverage offered
14 through the association available other than in connection
15 with a member of the association; and

16 (6) meets such additional requirements as may be
17 imposed under State law.

18 "Church plan" has the meaning given that term under Section
19 3(33) of the Employee Retirement Income Security Act of 1974.

20 "COBRA continuation provision" means any of the following:

21 (1) Section 4980B of the Internal Revenue Code of 1986,
22 other than subsection (f)(1) of that Section insofar as it
23 relates to pediatric vaccines.

24 (2) Part 6 of subtitle B of title I of the Employee
25 Retirement Income Security Act of 1974, other than Section
26 609 of that Act.

1 (3) Title XXII of federal Public Health Service Act.

2 "Control" means the possession, direct or indirect, of the
3 power to direct or cause the direction of the management and
4 policies of a person, whether through the ownership of voting
5 securities, the holding of policyholders' proxies by contract
6 other than a commercial contract for goods or non-management
7 services, or otherwise, unless the power is solely the result
8 of an official position with or corporate office held by the
9 person. Control is presumed to exist if any person, directly or
10 indirectly, owns, controls, holds with the power to vote, or
11 holds shareholders' proxies representing 10% or more of the
12 voting securities of any other person or holds or controls
13 sufficient policyholders' proxies to elect the majority of the
14 board of directors of the domestic company. This presumption
15 may be rebutted by a showing made in a manner as the Secretary
16 may provide by rule. The Secretary may determine, after
17 furnishing all persons in interest notice and opportunity to be
18 heard and making specific findings of fact to support such
19 determination, that control exists in fact, notwithstanding
20 the absence of a presumption to that effect.

21 "Department" means the Department of Financial and
22 Professional Regulation ~~Insurance~~.

23 "Employee" has the meaning given that term under Section
24 3(6) of the Employee Retirement Income Security Act of 1974.

25 "Employer" has the meaning given that term under Section
26 3(5) of the Employee Retirement Income Security Act of 1974,

1 except that the term shall include only employers of 2 or more
2 employees.

3 "Enrollment date" means, with respect to an individual
4 covered under a group health plan or group health insurance
5 coverage, the date of enrollment of the individual in the plan
6 or coverage, or if earlier, the first day of the waiting period
7 for enrollment.

8 "Federal governmental plan" means a governmental plan
9 established or maintained for its employees by the government
10 of the United States or by any agency or instrumentality of
11 that government.

12 "Governmental plan" has the meaning given that term under
13 Section 3(32) of the Employee Retirement Income Security Act of
14 1974 and any federal governmental plan.

15 "Group health insurance coverage" means, in connection
16 with a group health plan, health insurance coverage offered in
17 connection with the plan.

18 "Group health plan" means an employee welfare benefit plan
19 (as defined in Section 3(1) of the Employee Retirement Income
20 Security Act of 1974) to the extent that the plan provides
21 medical care (as defined in paragraph (2) of that Section and
22 including items and services paid for as medical care) to
23 employees or their dependents (as defined under the terms of
24 the plan) directly or through insurance, reimbursement, or
25 otherwise.

26 "Health insurance coverage" means benefits consisting of

1 medical care (provided directly, through insurance or
2 reimbursement, or otherwise and including items and services
3 paid for as medical care) under any hospital or medical service
4 policy or certificate, hospital or medical service plan
5 contract, or health maintenance organization contract offered
6 by a health insurance issuer.

7 "Health insurance issuer" means an insurance company,
8 insurance service, or insurance organization (including a
9 health maintenance organization, as defined herein) which is
10 licensed to engage in the business of insurance in a state and
11 which is subject to Illinois law which regulates insurance
12 (within the meaning of Section 514(b)(2) of the Employee
13 Retirement Income Security Act of 1974). The term does not
14 include a group health plan.

15 "Health maintenance organization (HMO)" means:

16 (1) a Federally qualified health maintenance
17 organization (as defined in Section 1301(a) of the Public
18 Health Service Act.);

19 (2) an organization recognized under State law as a
20 health maintenance organization; or

21 (3) a similar organization regulated under State law
22 for solvency in the same manner and to the same extent as
23 such a health maintenance organization.

24 "Individual health insurance coverage" means health
25 insurance coverage offered to individuals in the individual
26 market, but does not include short-term limited duration

1 insurance.

2 "Individual market" means the market for health insurance
3 coverage offered to individuals other than in connection with a
4 group health plan.

5 "Large employer" means, in connection with a group health
6 plan with respect to a calendar year and a plan year, an
7 employer who employed an average of at least 51 employees on
8 business days during the preceding calendar year and who
9 employs at least 2 employees on the first day of the plan year.

10 (1) Application of aggregation rule for large
11 employers. All persons treated as a single employer under
12 subsection (b), (c), (m), or (o) of Section 414 of the
13 Internal Revenue Code of 1986 shall be treated as one
14 employer.

15 (2) Employers not in existence in preceding year. In
16 the case of an employer which was not in existence
17 throughout the preceding calendar year, the determination
18 of whether the employer is a large employer shall be based
19 on the average number of employees that it is reasonably
20 expected the employer will employ on business days in the
21 current calendar year.

22 (3) Predecessors. Any reference in this Act to an
23 employer shall include a reference to any predecessor of
24 such employer.

25 "Large group market" means the health insurance market
26 under which individuals obtain health insurance coverage

1 (directly or through any arrangement) on behalf of themselves
2 (and their dependents) through a group health plan maintained
3 by a large employer.

4 "Late enrollee" means with respect to coverage under a
5 group health plan, a participant or beneficiary who enrolls
6 under the plan other than during:

7 (1) the first period in which the individual is
8 eligible to enroll under the plan; or

9 (2) a special enrollment period under subsection (F) of
10 Section 20.

11 "Medical care" means amounts paid for:

12 (1) the diagnosis, cure, mitigation, treatment, or
13 prevention of disease, or amounts paid for the purpose of
14 affecting any structure or function of the body;

15 (2) amounts paid for transportation primarily for and
16 essential to medical care referred to in item (1); and

17 (3) amounts paid for insurance covering medical care
18 referred to in items (1) and (2).

19 "Nonfederal governmental plan" means a governmental plan
20 that is not a federal governmental plan.

21 "Network plan" means health insurance coverage of a health
22 insurance issuer under which the financing and delivery of
23 medical care (including items and services paid for as medical
24 care) are provided, in whole or in part, through a defined set
25 of providers under contract with the issuer.

26 "Participant" has the meaning given that term under Section

1 3(7) of the Employee Retirement Income Security Act of 1974.

2 "Person" means an individual, a corporation, a
3 partnership, an association, a joint stock company, a trust, an
4 unincorporated organization, any similar entity, or any
5 combination of the foregoing acting in concert, but does not
6 include any securities broker performing no more than the usual
7 and customary broker's function or joint venture partnership
8 exclusively engaged in owning, managing, leasing, or
9 developing real or tangible personal property other than
10 capital stock.

11 "Placement" or being "placed" for adoption, in connection
12 with any placement for adoption of a child with any person,
13 means the assumption and retention by the person of a legal
14 obligation for total or partial support of the child in
15 anticipation of adoption of the child. The child's placement
16 with the person terminates upon the termination of the legal
17 obligation.

18 "Plan sponsor" has the meaning given that term under
19 Section 3(16)(B) of the Employee Retirement Income Security Act
20 of 1974.

21 "Preexisting condition exclusion" means, with respect to
22 coverage, a limitation or exclusion of benefits relating to a
23 condition based on the fact that the condition was present
24 before the date of enrollment for such coverage, whether or not
25 any medical advice, diagnosis, care, or treatment was
26 recommended or received before such date.

1 "Small employer" means, in connection with a group health
2 plan with respect to a calendar year and a plan year, an
3 employer who employed an average of at least 2 but not more
4 than 50 employees on business days during the preceding
5 calendar year and who employs at least 2 employees on the first
6 day of the plan year.

7 (1) Application of aggregation rule for small
8 employers. All persons treated as a single employer under
9 subsection (b), (c), (m), or (o) of Section 414 of the
10 Internal Revenue Code of 1986 shall be treated as one
11 employer.

12 (2) Employers not in existence in preceding year. In
13 the case of an employer which was not in existence
14 throughout the preceding calendar year, the determination
15 of whether the employer is a small employer shall be based
16 on the average number of employees that it is reasonably
17 expected the employer will employ on business days in the
18 current calendar year.

19 (3) Predecessors. Any reference in this Act to a small
20 employer shall include a reference to any predecessor of
21 that employer.

22 "Small group market" means the health insurance market
23 under which individuals obtain health insurance coverage
24 (directly or through any arrangement) on behalf of themselves
25 (and their dependents) through a group health plan maintained
26 by a small employer.

1 "State" means each of the several States, the District of
2 Columbia, Puerto Rico, the Virgin Islands, Guam, American
3 Samoa, and the Northern Mariana Islands.

4 "Waiting period" means with respect to a group health plan
5 and an individual who is a potential participant or beneficiary
6 in the plan, the period of time that must pass with respect to
7 the individual before the individual is eligible to be covered
8 for benefits under the terms of the plan.

9 (Source: P.A. 94-502, eff. 8-8-05.)

10 Section 9320. The Reinsurance Intermediary Act is amended
11 by adding Section 2 as follows:

12 (215 ILCS 100/2 new)

13 Sec. 2. References to Department or Director of Insurance.
14 On and after the effective date of this amendatory Act of the
15 95th General Assembly:

16 (1) References in this Act to the Department of
17 Insurance or "the Department" mean the Department of
18 Financial and Professional Regulation.

19 (2) References in this Act to the Director of Insurance
20 or "the Director" mean the Secretary of Financial and
21 Professional Regulation.

22 Section 9325. The Comprehensive Health Insurance Plan Act
23 is amended by adding Section 1.05 as follows:

1 (215 ILCS 105/1.05 new)

2 Sec. 1.05. References to Department or Director of
3 Insurance. On and after the effective date of this amendatory
4 Act of the 95th General Assembly:

5 (1) References in this Act to the Department of
6 Insurance or "the Department" mean the Department of
7 Financial and Professional Regulation.

8 (2) References in this Act to the Director of Insurance
9 or "the Director" mean the Secretary of Financial and
10 Professional Regulation.

11 Section 9330. The Producer Controlled Insurer Act is
12 amended by adding Section 2 as follows:

13 (215 ILCS 107/2 new)

14 Sec. 2. References to Department or Director of Insurance.
15 On and after the effective date of this amendatory Act of the
16 95th General Assembly:

17 (1) References in this Act to the Department of
18 Insurance or "the Department" mean the Department of
19 Financial and Professional Regulation.

20 (2) References in this Act to the Director of Insurance
21 or "the Director" mean the Secretary of Financial and
22 Professional Regulation.

1 Section 9335. The Dental Care Patient Protection Act is
2 amended by adding Section 2 as follows:

3 (215 ILCS 109/2 new)

4 Sec. 2. References to Department or Director of Insurance.
5 On and after the effective date of this amendatory Act of the
6 95th General Assembly:

7 (1) References in this Act to the Department of
8 Insurance or "the Department" mean the Department of
9 Financial and Professional Regulation.

10 (2) References in this Act to the Director of Insurance
11 or "the Director" mean the Secretary of Financial and
12 Professional Regulation.

13 Section 9340. The Dental Service Plan Act is amended by
14 adding Section 1.5 as follows:

15 (215 ILCS 110/1.5 new)

16 Sec. 1.5. References to Department or Director of
17 Insurance. On and after the effective date of this amendatory
18 Act of the 95th General Assembly:

19 (1) References in this Act to the Department of
20 Insurance or "the Department" mean the Department of
21 Financial and Professional Regulation.

22 (2) References in this Act to the Director of Insurance
23 or "the Director" mean the Secretary of Financial and

1 Professional Regulation.

2 Section 9345. The Employee Leasing Company Act is amended
3 by adding Section 2 as follows:

4 (215 ILCS 113/2 new)

5 Sec. 2. References to Department or Director of Insurance.
6 On and after the effective date of this amendatory Act of the
7 95th General Assembly:

8 (1) References in this Act to the Department of
9 Insurance or "the Department" mean the Department of
10 Financial and Professional Regulation.

11 (2) References in this Act to the Director of Insurance
12 or "the Director" mean the Secretary of Financial and
13 Professional Regulation.

14 Section 9350. The Farm Mutual Insurance Company Act of 1986
15 is amended by adding Section 1.5 as follows:

16 (215 ILCS 120/1.5 new)

17 Sec. 1.5. References to Department or Director of
18 Insurance. On and after the effective date of this amendatory
19 Act of the 95th General Assembly:

20 (1) References in this Act to the Department of
21 Insurance or "the Department" mean the Department of
22 Financial and Professional Regulation.

1 (2) References in this Act to the Director of Insurance
2 or "the Director" mean the Secretary of Financial and
3 Professional Regulation.

4 Section 9355. The Health Care Purchasing Group Act is
5 amended by adding Section 2 as follows:

6 (215 ILCS 123/2 new)

7 Sec. 2. References to Department or Director of Insurance.
8 On and after the effective date of this amendatory Act of the
9 95th General Assembly:

10 (1) References in this Act to the Department of
11 Insurance or "the Department" mean the Department of
12 Financial and Professional Regulation.

13 (2) References in this Act to the Director of Insurance
14 or "the Director" mean the Secretary of Financial and
15 Professional Regulation.

16 Section 9360. The Health Maintenance Organization Act is
17 amended by adding Section 1-1.5 as follows:

18 (215 ILCS 125/1-1.5 new)

19 Sec. 1-1.5. References to Department or Director of
20 Insurance. On and after the effective date of this amendatory
21 Act of the 95th General Assembly:

22 (1) References in this Act to the Department of

1 Insurance or "the Department" mean the Department of
2 Financial and Professional Regulation.

3 (2) References in this Act to the Director of Insurance
4 or "the Director" mean the Secretary of Financial and
5 Professional Regulation.

6 Section 9365. The Limited Health Service Organization Act
7 is amended by adding Section 1001.5 as follows:

8 (215 ILCS 130/1001.5 new)

9 Sec. 1001.5. References to Department or Director of
10 Insurance. On and after the effective date of this amendatory
11 Act of the 95th General Assembly:

12 (1) References in this Act to the Department of
13 Insurance or "the Department" mean the Department of
14 Financial and Professional Regulation.

15 (2) References in this Act to the Director of Insurance
16 or "the Director" mean the Secretary of Financial and
17 Professional Regulation.

18 Section 9370. The Managed Care Reform and Patient Rights
19 Act is amended by changing Section 35 and by adding Section 2
20 as follows:

21 (215 ILCS 134/2 new)

22 Sec. 2. References to Department or Director of Insurance.

1 On and after the effective date of this amendatory Act of the
2 95th General Assembly:

3 (1) References in this Act to the Department of
4 Insurance or "the Department" mean the Department of
5 Financial and Professional Regulation.

6 (2) References in this Act to the Director of Insurance
7 or "the Director" mean the Secretary of Financial and
8 Professional Regulation.

9 (215 ILCS 134/35)

10 Sec. 35. Medically appropriate health care protection.

11 (a) No health care plan or its subcontractors shall
12 retaliate against a physician or other health care provider who
13 advocates for appropriate health care services for patients.

14 (b) It is the public policy of the State of Illinois that a
15 physician or any other health care provider be encouraged to
16 advocate for medically appropriate health care services for his
17 or her patients. For purposes of this Section, "to advocate for
18 medically appropriate health care services" means to appeal a
19 decision to deny payment for a health care service pursuant to
20 the reasonable grievance or appeal procedure established by a
21 health care plan or to protest a decision, policy, or practice
22 that the physician or other health care provider, consistent
23 with that degree of learning and skill ordinarily possessed by
24 physicians or other health care providers practicing in the
25 same or a similar locality and under similar circumstances,

1 reasonably believes impairs the physician's or other health
2 care provider's ability to provide appropriate health care
3 services to his or her patients.

4 (c) This Section shall not be construed to prohibit a
5 health care plan or its subcontractors from making a
6 determination not to pay for a particular health care service
7 or to prohibit a medical group, independent practice
8 association, preferred provider organization, foundation,
9 hospital medical staff, hospital governing body or health care
10 plan from enforcing reasonable peer review or utilization
11 review protocols or determining whether a physician or other
12 health care provider has complied with those protocols.

13 (d) Nothing in this Section shall be construed to prohibit
14 the governing body of a hospital or the hospital medical staff
15 from taking disciplinary actions against a physician as
16 authorized by law.

17 (e) Nothing in this Section shall be construed to prohibit
18 the Department of Financial and Professional Regulation from
19 taking disciplinary actions against a physician or other health
20 care provider under the appropriate licensing Act.

21 (f) Any violation of this Section shall be subject to the
22 penalties under this Act.

23 (Source: P.A. 91-617, eff. 1-1-00.)

24 Section 9375. The Uniform Prescription Drug Information
25 Card Act is amended by adding Section 2 as follows:

1 (215 ILCS 138/2 new)

2 Sec. 2. References to Department or Director of Insurance.

3 On and after the effective date of this amendatory Act of the
4 95th General Assembly:

5 (1) References in this Act to the Department of
6 Insurance or "the Department" mean the Department of
7 Financial and Professional Regulation.

8 (2) References in this Act to the Director of Insurance
9 or "the Director" mean the Secretary of Financial and
10 Professional Regulation.

11 Section 9380. The Uniform Health Care Service Benefits
12 Information Card Act is amended by adding Section 2 as follows:

13 (215 ILCS 139/2 new)

14 Sec. 2. References to Department or Director of Insurance.

15 On and after the effective date of this amendatory Act of the
16 95th General Assembly:

17 (1) References in this Act to the Department of
18 Insurance or "the Department" mean the Department of
19 Financial and Professional Regulation.

20 (2) References in this Act to the Director of Insurance
21 or "the Director" mean the Secretary of Financial and
22 Professional Regulation.

1 Section 9385. The Property Fire Loss Act is amended by
2 changing Section 1 as follows:

3 (215 ILCS 145/1) (from Ch. 73, par. 1153)

4 Sec. 1. (a) The Fire Marshal, the Secretary of Financial
5 and Professional Regulation, ~~director of the Department of~~
6 ~~Insurance~~ or personnel from any other authorized fire
7 department or law enforcement agency charged with the
8 responsibility of investigating a fire loss or potential fire
9 loss, may request any insurance company that has investigated
10 or is investigating a fire loss or potential fire loss of real
11 or personal property to release any factual information in its
12 possession which is pertinent to this type of loss or potential
13 loss and has some relationship to the loss or potential loss
14 itself. The company shall release the information and cooperate
15 with any official authorized to request such information
16 pursuant to this Section. The information shall include, but is
17 not limited to:

18 (1) Any insurance policy relevant to a fire loss or
19 potential fire loss under investigation and any application for
20 such a policy;

21 (2) Policy premium payment records;

22 (3) History of previous claims made by the insured for fire
23 loss;

24 (4) Material relating to the investigation of the loss or
25 potential loss, including statements of any person, proof of

1 loss, and any other relevant evidence.

2 (b) If an insurance company has reason to believe that a
3 fire loss to its insured's real or personal property was caused
4 by other than accidental means, the company shall notify the
5 Fire Marshal, the Secretary of Financial and Professional
6 Regulation, ~~director of the Department of Insurance~~ or any
7 other appropriate law enforcement agency charged with the
8 responsibility to investigate fire losses and furnish such
9 persons with all relative material acquired during its
10 investigation of the fire loss, cooperate with and take such
11 reasonable action as may be requested by any law enforcement
12 agency, and cooperate with the Court and administrative
13 agencies of the State, and any official from the Fire Marshal's
14 office, the office of the Secretary of Financial and
15 Professional Regulation, ~~director of the Department of~~
16 ~~Insurance~~ or any law enforcement agency charged with the
17 responsibility to investigate the fire. Such insurance company
18 may request officials and departmental and agency personnel
19 receiving information on fire losses or potential fire losses
20 to release information relative to any investigation it has
21 made concerning any such fire loss or potential loss reported
22 by such company. Subject to the provisions of subsection (a)
23 and paragraphs (i), (iii), (iv), (v), (vii) and (viii) of
24 subsection (c) of Section 7 of the Freedom of Information Act,
25 such insurance company shall have the right to receive, within
26 a reasonable time, not to exceed 30 days after the receipt of

1 such request, the relevant information requested.

2 (c) In the absence of malice, no insurance company, or
3 person who furnishes information on its behalf, or authorized
4 person, department or agency as defined in subsection (a) who
5 releases information, is liable for damages in a civil action
6 or subject to criminal prosecution for any oral or written
7 statement made or any other action taken that is necessary to
8 supply information required pursuant to this Section.

9 (d) The officials and departmental and agency personnel
10 receiving any information furnished pursuant to this Section
11 shall hold the information in confidence until such time as its
12 release is required pursuant to this Section or a criminal or
13 civil proceeding.

14 (e) Any official referred to in paragraph (a) of this
15 Section may be required to testify as to any information in his
16 possession regarding the fire loss of real or personal property
17 in any civil action in which any person seeks recovery under a
18 policy against an insurance company for the fire loss.

19 (f) As used in this Section, "insurance company" includes
20 the Illinois Fair Plan Underwriting Association, and all
21 district, county and township mutual insurance companies.

22 (g) (1) No person shall intentionally or knowingly refuse
23 to release any information properly requested, pursuant to
24 paragraph (a) of this Section.

25 (2) No person shall refuse to make the necessary
26 notification of a fire loss pursuant to paragraph (b) of this

1 Section.

2 (3) No person shall refuse to supply to the proper
3 authorities pertinent information required to be furnished
4 pursuant to paragraph (b) of this Section.

5 (4) No person shall fail to hold in confidence information
6 required to be held in confidence by paragraph (d) of this
7 Section.

8 (h) Whoever violates paragraph (g) (1), (2), (3) or (4) of
9 this Section is guilty of a Class C misdemeanor and is subject
10 to a fine not to exceed \$100. It shall not be considered a
11 violation of this Section if an insurance company in good
12 faith, believes it has done everything required of it by this
13 Statute.

14 (i) A fire department or law enforcement agency that has
15 investigated or is investigating a fire loss or potential fire
16 loss of real or personal property may release to an insurer of
17 such property any factual information, including statements,
18 in its possession which is pertinent or related to the type of
19 loss or potential loss.

20 (Source: P.A. 86-1021.)

21 Section 9390. The Religious and Charitable Risk Pooling
22 Trust Act is amended by adding Section 1.5 as follows:

23 (215 ILCS 150/1.5 new)

24 Sec. 1.5. References to Department or Director of

1 Insurance. On and after the effective date of this amendatory
2 Act of the 95th General Assembly:

3 (1) References in this Act to the Department of
4 Insurance or "the Department" mean the Department of
5 Financial and Professional Regulation.

6 (2) References in this Act to the Director of Insurance
7 or "the Director" mean the Secretary of Financial and
8 Professional Regulation.

9 Section 9395. The Service Contract Act is amended by adding
10 Section 2 as follows:

11 (215 ILCS 152/2 new)

12 Sec. 2. References to Department or Director of Insurance.
13 On and after the effective date of this amendatory Act of the
14 95th General Assembly:

15 (1) References in this Act to the Department of
16 Insurance or "the Department" mean the Department of
17 Financial and Professional Regulation.

18 (2) References in this Act to the Director of Insurance
19 or "the Director" mean the Secretary of Financial and
20 Professional Regulation.

21 Section 9400. The Title Insurance Act is amended by adding
22 Section 1.5 as follows:

1 (215 ILCS 155/1.5 new)

2 Sec. 1.5. References to Department or Director of Financial
3 Institutions. On and after the effective date of this
4 amendatory Act of the 95th General Assembly:

5 (1) References in this Act to the Department of
6 Financial Institutions or "the Department" mean the
7 Department of Financial and Professional Regulation.

8 (2) References in this Act to the Director of Financial
9 Institutions or "the Director" mean the Secretary of
10 Financial and Professional Regulation.

11 Section 9405. The Use of Credit Information in Personal
12 Insurance Act is amended by changing Section 15 as follows:

13 (215 ILCS 157/15)

14 Sec. 15. Definitions. For the purposes of this Act, these
15 defined words have the following meanings:

16 "Adverse action" means a denial or cancellation of, an
17 increase in any charge for, or a reduction or other adverse or
18 unfavorable change in the terms of coverage or amount of, any
19 insurance, existing or applied for, in connection with the
20 underwriting of personal insurance.

21 "Affiliate" means any company that controls, is controlled
22 by, or is under common control with another company.

23 "Applicant" means an individual who has applied to be
24 covered by a personal insurance policy with an insurer.

1 "Consumer" means an insured or an applicant for a personal
2 insurance policy whose credit information is used or whose
3 insurance score is calculated in the underwriting or rating of
4 a personal insurance policy.

5 "Consumer reporting agency" means any person that, for
6 monetary fees or dues or on a cooperative nonprofit basis,
7 regularly engages in whole or in part in the practice of
8 assembling or evaluating consumer credit information or other
9 information on consumers for the purpose of furnishing consumer
10 reports to third parties.

11 "Credit information" means any credit-related information
12 derived from a credit report, found on a credit report itself,
13 or provided on an application for personal insurance.
14 Information that is not credit-related shall not be considered
15 "credit information," regardless of whether it is contained in
16 a credit report or in an application or is used to calculate an
17 insurance score.

18 "Credit report" means any written, oral, or other
19 communication of information by a consumer reporting agency
20 bearing on a consumer's credit worthiness, credit standing, or
21 credit capacity, that is used or expected to be used or
22 collected in whole or in part for the purpose of serving as a
23 factor to determine personal insurance premiums, eligibility
24 for coverage, or tier placement.

25 "Department" means the Department of Financial and
26 Professional Regulation Insurance.

1 "Insurance score" means a number or rating that is derived
2 from an algorithm, computer application, model, or other
3 process that is based in whole or in part on credit information
4 for the purposes of predicting the future insurance loss
5 exposure of an individual applicant or insured.

6 (Source: P.A. 93-114, eff. 10-1-03.)

7 Section 9410. The Viatical Settlements Act is amended by
8 adding Section 2 as follows:

9 (215 ILCS 158/2 new)

10 Sec. 2. References to Department or Director of Insurance.
11 On and after the effective date of this amendatory Act of the
12 95th General Assembly:

13 (1) References in this Act to the Department of
14 Insurance or "the Department" mean the Department of
15 Financial and Professional Regulation.

16 (2) References in this Act to the Director of Insurance
17 or "the Director" mean the Secretary of Financial and
18 Professional Regulation.

19 Section 9415. The Voluntary Health Services Plans Act is
20 amended by adding Section 1.5 as follows:

21 (215 ILCS 165/1.5 new)

22 Sec. 1.5. References to Department or Director of

1 Insurance. On and after the effective date of this amendatory
2 Act of the 95th General Assembly:

3 (1) References in this Act to the Department of
4 Insurance or "the Department" mean the Department of
5 Financial and Professional Regulation.

6 (2) References in this Act to the Director of Insurance
7 or "the Director" mean the Secretary of Financial and
8 Professional Regulation.

9 Section 9420. The Acupuncture Practice Act is amended by
10 adding Section 2 as follows:

11 (225 ILCS 2/2 new)

12 Sec. 2. References to Department or Director of
13 Professional Regulation. On and after the effective date of
14 this amendatory Act of the 95th General Assembly:

15 (1) References in this Act to the Department of
16 Professional Regulation or "the Department" mean the
17 Department of Financial and Professional Regulation.

18 (2) References in this Act to the Director of
19 Professional Regulation or "the Director" mean the
20 Secretary of Financial and Professional Regulation.

21 Section 9425. The Illinois Athletic Trainers Practice Act
22 is amended by adding Section 2.5 as follows:

1 (225 ILCS 5/2.5 new)

2 Sec. 2.5. References to Department or Director of
3 Professional Regulation. On and after the effective date of
4 this amendatory Act of the 95th General Assembly:

5 (1) References in this Act to the Department of
6 Professional Regulation or "the Department" mean the
7 Department of Financial and Professional Regulation.

8 (2) References in this Act to the Director of
9 Professional Regulation or "the Director" mean the
10 Secretary of Financial and Professional Regulation.

11 Section 9430. The Clinical Psychologist Licensing Act is
12 amended by adding Section 1.5 and changing Section 19 as
13 follows:

14 (225 ILCS 15/1.5 new)

15 Sec. 1.5. References to Department or Director of
16 Professional Regulation. On and after the effective date of
17 this amendatory Act of the 95th General Assembly:

18 (1) References in this Act to the Department of
19 Professional Regulation or "the Department" mean the
20 Department of Financial and Professional Regulation.

21 (2) References in this Act to the Director of
22 Professional Regulation or "the Director" mean the
23 Secretary of Financial and Professional Regulation.

1 (225 ILCS 15/19) (from Ch. 111, par. 5369)

2 (Section scheduled to be repealed on January 1, 2017)

3 Sec. 19. Record of proceedings; transcript. The
4 Department, at its expense, shall preserve a record of all
5 proceedings at any formal hearing of any case. The notice of
6 hearing, complaint and all other documents in the nature of
7 pleadings and written motions filed in the proceedings, the
8 transcript of testimony, the report of the Board and the orders
9 of the Department shall be the record of the proceedings. The
10 Department shall furnish a transcript of the record to any
11 person upon payment of the fee required under Section 2105-115
12 of the Department of Financial and Professional Regulation
13 (Professional Regulation) Law (20 ILCS 2105/2105-115).

14 (Source: P.A. 91-239, eff. 1-1-00.)

15 Section 9435. The Clinical Social Work and Social Work
16 Practice Act is amended by adding Section 2.5 and changing
17 Section 22 as follows:

18 (225 ILCS 20/2.5 new)

19 Sec. 2.5. References to Department or Director of
20 Professional Regulation. On and after the effective date of
21 this amendatory Act of the 95th General Assembly:

22 (1) References in this Act to the Department of
23 Professional Regulation or "the Department" mean the
24 Department of Financial and Professional Regulation.

1 (2) References in this Act to the Director of
2 Professional Regulation or "the Director" mean the
3 Secretary of Financial and Professional Regulation.

4 (225 ILCS 20/22) (from Ch. 111, par. 6372)

5 (Section scheduled to be repealed on January 1, 2008)

6 Sec. 22. Record of Proceedings; transcript. The
7 Department, at its expense, shall preserve a record of all
8 proceedings at the formal hearing of any case involving the
9 refusal to issue or to renew a license. The notice of hearing,
10 complaint, all other documents in the nature of pleadings,
11 written motions filed in the proceedings, the transcript of
12 testimony, the report of the Board and orders of the Department
13 shall be in the record of such proceeding. The Department shall
14 furnish a transcript of the record to any person upon payment
15 of the fee required under Section 2105-115 of the Department of
16 Financial and Professional Regulation (Professional
17 Regulation) Law (20 ILCS 2105/2105-115).

18 (Source: P.A. 90-150, eff. 12-30-97; 91-239, eff. 1-1-00.)

19 Section 9440. The Illinois Dental Practice Act is amended
20 by adding Section 1.5 and changing Section 42 as follows:

21 (225 ILCS 25/1.5 new)

22 Sec. 1.5. References to Department or Director of
23 Professional Regulation. On and after the effective date of

1 this amendatory Act of the 95th General Assembly:

2 (1) References in this Act to the Department of
3 Professional Regulation or "the Department" mean the
4 Department of Financial and Professional Regulation.

5 (2) References in this Act to the Director of
6 Professional Regulation or "the Director" mean the
7 Secretary of Financial and Professional Regulation.

8 (225 ILCS 25/42) (from Ch. 111, par. 2342)

9 (Section scheduled to be repealed on January 1, 2016)

10 Sec. 42. Dental Disciplinary Fund. All fees, fines or
11 penalties received by the Department under this Act shall be
12 deposited in the Illinois State Dental Disciplinary Fund, a
13 special fund created hereunder in the State Treasury, and shall
14 be used only by the Department in the exercise of its powers
15 and performance of its duties under this Act, including but not
16 limited to the provision for evidence in dental investigation.
17 All earnings incurred from investment of moneys in the Illinois
18 State Dental Disciplinary Fund shall be deposited in the
19 Illinois State Dental Disciplinary Fund and shall be used for
20 the same purpose as fees deposited in such Fund.

21 Moneys in the Fund may be transferred to the Professions
22 Indirect Cost Fund as authorized under Section 2105-300 of the
23 Department of Financial and Professional Regulation
24 (Professional Regulation) Law (20 ILCS 2105/2105-300).

25 (Source: P.A. 91-239, eff. 1-1-00.)

1 Section 9445. The Dietetic and Nutrition Services Practice
2 Act is amended by adding Section 2 and changing Section 110 as
3 follows:

4 (225 ILCS 30/2 new)

5 Sec. 2. References to Department or Director of
6 Professional Regulation. On and after the effective date of
7 this amendatory Act of the 95th General Assembly:

8 (1) References in this Act to the Department of
9 Professional Regulation or "the Department" mean the
10 Department of Financial and Professional Regulation.

11 (2) References in this Act to the Director of
12 Professional Regulation or "the Director" mean the
13 Secretary of Financial and Professional Regulation.

14 (225 ILCS 30/110) (from Ch. 111, par. 8401-110)

15 (Section scheduled to be repealed on January 1, 2013)

16 Sec. 110. Record of hearing. The Department, at its
17 expense, shall preserve a record of all proceedings at the
18 formal hearing of any case. The notice of hearing, complaint,
19 and other documents in the nature of pleadings and written
20 motions filed in the proceedings, the transcript of testimony,
21 the report of the Board, and orders of the Department shall be
22 in the record of the proceedings. The Department shall furnish
23 a transcript of the record to any person interested in the

1 hearing upon payment of the fee required under Section 2105-115
2 of the Department of Financial and Professional Regulation
3 (Professional Regulation) Law (20 ILCS 2105/2105-115).
4 (Source: P.A. 91-239, eff. 1-1-00.)

5 Section 9450. The Environmental Health Practitioner
6 Licensing Act is amended by adding Section 2 and changing
7 Sections 45 and 70 as follows:

8 (225 ILCS 37/2 new)

9 Sec. 2. References to Department or Director of
10 Professional Regulation. On and after the effective date of
11 this amendatory Act of the 95th General Assembly:

12 (1) References in this Act to the Department of
13 Professional Regulation or "the Department" mean the
14 Department of Financial and Professional Regulation.

15 (2) References in this Act to the Director of
16 Professional Regulation or "the Director" mean the
17 Secretary of Financial and Professional Regulation.

18 (225 ILCS 37/45)

19 (Section scheduled to be repealed on December 31, 2008)

20 Sec. 45. Record of Proceedings; transcript. The
21 Department, at its expense, shall provide a stenographer to
22 record all testimony at the hearing of any case where a
23 certificate is revoked or suspended. The notice of hearing,

1 complaint, and all other documents in the nature of pleadings
2 and written motions filed in the proceedings, the transcript of
3 testimony, the report of the Committee, and the order of the
4 Department shall be the record of the proceedings. The
5 Department shall furnish a transcript of the record to any
6 person interested in the hearing upon payment of the fees
7 required under Section 2105-115 of the Department of Financial
8 and Professional Regulation (Professional Regulation) Law (20
9 ILCS 2105/2105-115).

10 (Source: P.A. 91-239, eff. 1-1-00.)

11 (225 ILCS 37/70)

12 (Section scheduled to be repealed on December 31, 2008)

13 Sec. 70. Records of proceeding. The Department, at its
14 expense, shall preserve a record of all proceedings at the
15 formal hearing of any case. The notice of hearing, complaint,
16 and all other documents in the nature of pleadings, written
17 motions filed in the proceedings, transcripts of testimony,
18 reports of the Board and orders of the Department shall be in
19 the record of the proceedings. The Department shall furnish a
20 transcript of the record to any person interested in the
21 hearing upon payment of the fee required under Section 2105-115
22 of the Department of Financial and Professional Regulation
23 (Professional Regulation) Law (20 ILCS 2105/2105-115).

24 (Source: P.A. 91-239, eff. 1-1-00.)

1 Section 9455. The Funeral Directors and Embalmers
2 Licensing Code is amended by adding Section 1-2 as follows:

3 (225 ILCS 41/1-2 new)

4 Sec. 1-2. References to Department or Director of
5 Professional Regulation. On and after the effective date of
6 this amendatory Act of the 95th General Assembly:

7 (1) References in this Act to the Department of
8 Professional Regulation or "the Department" mean the
9 Department of Financial and Professional Regulation.

10 (2) References in this Act to the Director of
11 Professional Regulation or "the Director" mean the
12 Secretary of Financial and Professional Regulation.

13 Section 9460. The Illinois Funeral or Burial Funds Act is
14 amended by changing Sections 2a and 4a as follows:

15 (225 ILCS 45/2a)

16 Sec. 2a. Purchase of insurance or annuity.

17 (a) If a purchaser selects the purchase of a life insurance
18 policy or tax-deferred annuity contract to fund the pre-need
19 contract, the application and collected premium shall be mailed
20 within 30 days of signing the pre-need contract.

21 (b) If life insurance or an annuity is used to fund a
22 pre-need contract, the seller or provider shall not be named as
23 the owner or beneficiary of the policy or annuity. No person

1 whose only insurable interest in the insured is the receipt of
2 proceeds from the policy or in naming who shall receive the
3 proceeds nor any trust acting on behalf of such person or
4 seller or provider shall be named as owner or beneficiary of
5 the policy or annuity.

6 (c) Nothing shall prohibit the purchaser from irrevocably
7 assigning ownership of the policy or annuity used to fund a
8 guaranteed price pre-need contract to a person or trust for the
9 purpose of obtaining favorable consideration for Medicaid,
10 Supplemental Security Income, or another public assistance
11 program, as permitted under federal law. The seller or contract
12 provider may be named a nominal owner of the life insurance
13 policy only for such time as it takes to immediately transfer
14 the policy into a trust. Except for this purpose, neither the
15 seller nor the contract provider shall be named the owner or
16 the beneficiary of the policy or annuity.

17 (d) If a life insurance policy or annuity contract is used
18 to fund a pre-need contract, except for guaranteed price
19 contracts permitted in Section 4(a) of this Act, the pre-need
20 contract must be revocable, and any assignment provision in the
21 pre-need contract must contain the following disclosure in 12
22 point bold type:

23 THIS ASSIGNMENT MAY BE REVOKED BY THE ASSIGNOR OR
24 ASSIGNOR'S SUCCESSOR OR, IF THE ASSIGNOR IS ALSO THE INSURED
25 AND DECEASED, BY THE REPRESENTATIVE OF THE INSURED'S ESTATE
26 BEFORE THE RENDERING TO THE CEMETERY SERVICES OR GOODS OR

1 FUNERAL SERVICES OR GOODS. IF THE ASSIGNMENT IS REVOKED, THE
2 DEATH BENEFIT UNDER THE LIFE INSURANCE POLICY OR ANNUITY
3 CONTRACT SHALL BE PAID IN ACCORDANCE WITH THE BENEFICIARY
4 DESIGNATION UNDER THE INSURANCE POLICY OR ANNUITY CONTRACT.

5 (e) Sales proceeds shall not be used to purchase life
6 insurance policies or tax-deferred annuities unless the
7 company issuing the life insurance policies or tax-deferred
8 annuities is licensed with the Illinois Department of Insurance
9 or its successor, the Department of Financial and Professional
10 Regulation, and the insurance producer or annuity seller is
11 licensed to do business in the State of Illinois.

12 (Source: P.A. 92-419, eff. 1-1-02.)

13 (225 ILCS 45/4a)

14 Sec. 4a. Investment of funds.

15 (a) A trustee shall, with respect to the investment of
16 trust funds, exercise the judgment and care under the
17 circumstances then prevailing that persons of prudence,
18 discretion, and intelligence exercise in the management of
19 their own affairs, not in regard to speculation, but in regard
20 to the permanent disposition of their funds, considering the
21 probable income as well as the probable safety of their
22 capital.

23 (b) The trust shall be a single-purpose trust fund. In the
24 event of the seller's bankruptcy, insolvency or assignment for
25 the benefit of creditors, or an adverse judgment, the trust

1 funds shall not be available to any creditor as assets of the
2 seller or to pay any expenses of any bankruptcy or similar
3 proceeding, but shall be distributed to the purchasers or
4 managed for their benefit by the trustee holding the funds.
5 Except in an action by the Comptroller to revoke a license
6 issued pursuant to this Act and for creation of a receivership
7 as provided in this Act, the trust shall not be subject to
8 judgment, execution, garnishment, attachment, or other seizure
9 by process in bankruptcy or otherwise, nor to sale, pledge,
10 mortgage, or other alienation, and shall not be assignable
11 except as approved by the Comptroller. The changes made by this
12 amendatory Act of the 91st General Assembly are intended to
13 clarify existing law regarding the inability of licensees to
14 pledge the trust.

15 (c) Because it is not known at the time of deposit or at
16 the time that income is earned on the trust account to whom the
17 principal and the accumulated earnings will be distributed for
18 the purpose of determining the Illinois income tax due on these
19 trust funds, the principal and any accrued earnings or losses
20 related to each individual account shall be held in suspense
21 until the final determination is made as to whom the account
22 shall be paid. The beneficiary's estate shall not be
23 responsible for any funeral and burial purchases listed in a
24 pre-need contract if the pre-need contract is entered into on a
25 guaranteed price basis.

26 If a pre-need contract is not a guaranteed price contract,

1 then to the extent the proceeds of a non-guaranteed price
2 pre-need contract cover the funeral and burial expenses for the
3 beneficiary, no claim may be made against the estate of the
4 beneficiary. A claim may be made against the beneficiary's
5 estate if the charges for the funeral services and merchandise
6 at the time of use exceed the amount of the amount in trust
7 plus the percentage of the sale proceeds initially retained by
8 the seller or the face value of the life insurance policy or
9 tax-deferred annuity.

10 (d) Trust funds shall not be invested by the trustee in
11 life insurance policies or tax-deferred annuities unless the
12 following requirements are met:

13 (1) The company issuing the life insurance policies or
14 tax-deferred annuities is licensed by the Illinois
15 Department of Insurance or its successor, the Department of
16 Financial and Professional Regulation, and the insurance
17 producer or annuity seller is licensed to do business in
18 the State of Illinois;

19 (2) Prior to the investment, the purchaser approves, in
20 writing, the investment in life insurance policies or
21 tax-deferred annuities;

22 (3) Prior to the investment, the purchaser is notified
23 by the seller in writing about the disclosures required for
24 all pre-need contracts under Section 1a-1 of this Act, and
25 the purchase of life insurance or a tax-deferred annuity is
26 subject to the requirements of Section 2a of this Act;

1 (4) Prior to the investment, the trustee informs the
2 Comptroller that trust funds shall be removed from the
3 trust account to purchase life insurance or a tax-deferred
4 annuity upon the written consent of the purchaser;

5 (5) The purchaser retains the right to refund provided
6 for in this Act, unless the pre-need contract is sold on an
7 irrevocable basis as provided in Section 4 of this Act; and

8 (6) Notice must be given in writing that the cash
9 surrender value of a life insurance policy may be less than
10 the amount provided for by the refund provisions of the
11 trust account.

12 (Source: P.A. 91-7, eff. 6-1-99.)

13 Section 9465. The Health Care Worker Background Check Act
14 is amended by changing Sections 20 and 65 as follows:

15 (225 ILCS 46/20)

16 Sec. 20. Exceptions. This Act shall not apply to:

17 (1) an individual who is licensed by the Department of
18 Financial and Professional Regulation or its successor,
19 the Department of Financial and Professional Regulation,
20 or the Department of Public Health under another law of
21 this State;

22 (2) an individual employed or retained by a health care
23 employer for whom a criminal background check is required
24 by another law of this State; or

1 (3) a student in a licensed health care field
2 including, but not limited to, a student nurse, a physical
3 therapy student, or a respiratory care student unless he or
4 she is (i) employed by a health care employer in a position
5 with duties involving direct care for clients, patients, or
6 residents or (ii) employed by a long-term care facility in
7 a position that involves or may involve contact with
8 residents or access to the living quarters or the
9 financial, medical, or personal records of residents.

10 (Source: P.A. 95-120, eff. 8-13-07.)

11 (225 ILCS 46/65)

12 Sec. 65. Health Care Worker Task Force. A Health Care
13 Worker Task Force shall be appointed to study and make
14 recommendations on statutory changes to this Act.

15 (a) The Task Force shall monitor the status of the
16 implementation of this Act and monitor complaint
17 investigations relating to this Act by the Department on Aging,
18 Department of Public Health, Department of Financial and
19 Professional Regulation, and the Department of Human Services
20 to determine the criminal background, if any, of health care
21 workers who have had findings of abuse, theft, or exploitation.

22 (b) The Task Force shall make recommendations concerning
23 modifications to the list of offenses enumerated in Section 25,
24 including time limits on all or some of the disqualifying
25 offenses, and any other necessary or desirable changes to the

1 Act.

2 (c) The Task Force shall issue an interim report to the
3 Governor and General Assembly no later than January 1, 2004.
4 The final report shall be issued no later than September 30,
5 2005, and shall include specific statutory changes
6 recommended, if any.

7 (d) The Task Force shall be composed of the following
8 members, who shall serve without pay:

9 (1) a chairman knowledgeable about health care issues,
10 who shall be appointed by the Governor;

11 (2) the Director of Public Health or his or her
12 designee;

13 (3) the Director of State Police or his or her
14 designee;

15 (3.5) the Director of Healthcare and Family Services or
16 his or her designee;

17 (3.6) the Secretary of Human Services or his or her
18 designee;

19 (3.7) the Director of Aging or his or her designee;

20 (4) 2 representatives of health care providers, who
21 shall be appointed by the Governor;

22 (5) 2 representatives of health care employees, who
23 shall be appointed by the Governor;

24 (5.5) a representative of a Community Care homemaker
25 program, who shall be appointed by the Governor;

26 (6) a representative of the general public who has an

1 interest in health care, who shall be appointed by the
2 Governor; and

3 (7) 4 members of the General Assembly, one appointed by
4 the Speaker of the House, one appointed by the House
5 Minority Leader, one appointed by the President of the
6 Senate, and one appointed by the Senate Minority Leader.

7 (Source: P.A. 95-331, eff. 8-21-07.)

8 Section 9470. The Home Medical Equipment and Services
9 Provider License Act is amended by adding Section 2 as follows:

10 (225 ILCS 51/2 new)

11 Sec. 2. References to Department or Director of
12 Professional Regulation. On and after the effective date of
13 this amendatory Act of the 95th General Assembly:

14 (1) References in this Act to the Department of
15 Professional Regulation or "the Department" mean the
16 Department of Financial and Professional Regulation.

17 (2) References in this Act to the Director of
18 Professional Regulation or "the Director" mean the
19 Secretary of Financial and Professional Regulation.

20 Section 9475. The Marriage and Family Therapy Licensing Act
21 is amended by adding Section 2 and changing Section 100 as
22 follows:

1 (225 ILCS 55/2 new)

2 Sec. 2. References to Department or Director of
3 Professional Regulation. On and after the effective date of
4 this amendatory Act of the 95th General Assembly:

5 (1) References in this Act to the Department of
6 Professional Regulation or "the Department" mean the
7 Department of Financial and Professional Regulation.

8 (2) References in this Act to the Director of
9 Professional Regulation or "the Director" mean the
10 Secretary of Financial and Professional Regulation.

11 (225 ILCS 55/100) (from Ch. 111, par. 8351-100)

12 (Section scheduled to be repealed on January 1, 2008)

13 Sec. 100. Record of proceeding. The Department, at its
14 expense, shall preserve a record of all proceedings at the
15 formal hearing of any case. The notice of hearing, complaint
16 and all other documents in the nature of pleadings and written
17 motions filed in the proceedings, the transcript of testimony,
18 the report of the Board and orders of the Department shall be
19 in the record of the proceedings. The Department shall furnish
20 a transcript of the record to any person interested in the
21 hearing upon payment of the fee required under Section 2105-115
22 of the Department of Financial and Professional Regulation
23 (Professional Regulation) Law (20 ILCS 2105/2105-115).

24 (Source: P.A. 91-239, eff. 1-1-00.)

1 Section 9480. The Massage Licensing Act is amended by
2 adding Section 2 as follows:

3 (225 ILCS 57/2 new)

4 Sec. 2. References to Department or Director of
5 Professional Regulation. On and after the effective date of
6 this amendatory Act of the 95th General Assembly:

7 (1) References in this Act to the Department of
8 Professional Regulation or "the Department" mean the
9 Department of Financial and Professional Regulation.

10 (2) References in this Act to the Director of
11 Professional Regulation or "the Director" mean the
12 Secretary of Financial and Professional Regulation.

13 Section 9485. The Medical Practice Act of 1987 is amended
14 by adding Section 1.5 and changing Sections 21 and 39 as
15 follows:

16 (225 ILCS 60/1.5 new)

17 Sec. 1.5. References to Department or Director of
18 Professional Regulation. On and after the effective date of
19 this amendatory Act of the 95th General Assembly:

20 (1) References in this Act to the Department of
21 Professional Regulation or "the Department" mean the
22 Department of Financial and Professional Regulation.

23 (2) References in this Act to the Director of

1 Professional Regulation or "the Director" mean the
2 Secretary of Financial and Professional Regulation.

3 (225 ILCS 60/21) (from Ch. 111, par. 4400-21)

4 (Section scheduled to be repealed on December 31, 2008)

5 Sec. 21. License renewal; restoration; inactive status;
6 disposition and collection of fees.

7 (A) Renewal. The expiration date and renewal period for
8 each license issued under this Act shall be set by rule. The
9 holder of a license may renew the license by paying the
10 required fee. The holder of a license may also renew the
11 license within 90 days after its expiration by complying with
12 the requirements for renewal and payment of an additional fee.
13 A license renewal within 90 days after expiration shall be
14 effective retroactively to the expiration date.

15 The Department shall mail to each licensee under this Act,
16 at his or her last known address, at least 60 days in advance
17 of the expiration date of his or her license, a notice of that
18 fact and an application for renewal form. No such license shall
19 be deemed to have lapsed until 90 days after the expiration
20 date and after such notice and application have been mailed by
21 the Department as herein provided.

22 (B) Restoration. Any licensee who has permitted his or her
23 license to lapse or who has had his or her license on inactive
24 status may have his or her license restored by making
25 application to the Department and filing proof acceptable to

1 the Department of his or her fitness to have the license
2 restored, including evidence certifying to active practice in
3 another jurisdiction satisfactory to the Department, proof of
4 meeting the continuing education requirements for one renewal
5 period, and by paying the required restoration fee.

6 If the licensee has not maintained an active practice in
7 another jurisdiction satisfactory to the Department, the
8 Licensing Board shall determine, by an evaluation program
9 established by rule, the applicant's fitness to resume active
10 status and may require the licensee to complete a period of
11 evaluated clinical experience and may require successful
12 completion of the practical examination.

13 However, any registrant whose license has expired while he
14 or she has been engaged (a) in Federal Service on active duty
15 with the Army of the United States, the United States Navy, the
16 Marine Corps, the Air Force, the Coast Guard, the Public Health
17 Service or the State Militia called into the service or
18 training of the United States of America, or (b) in training or
19 education under the supervision of the United States
20 preliminary to induction into the military service, may have
21 his or her license reinstated or restored without paying any
22 lapsed renewal fees, if within 2 years after honorable
23 termination of such service, training, or education, he or she
24 furnishes to the Department with satisfactory evidence to the
25 effect that he or she has been so engaged and that his or her
26 service, training, or education has been so terminated.

1 (C) Inactive licenses. Any licensee who notifies the
2 Department, in writing on forms prescribed by the Department,
3 may elect to place his or her license on an inactive status and
4 shall, subject to rules of the Department, be excused from
5 payment of renewal fees until he or she notifies the Department
6 in writing of his or her desire to resume active status.

7 Any licensee requesting restoration from inactive status
8 shall be required to pay the current renewal fee, provide proof
9 of meeting the continuing education requirements for the period
10 of time the license is inactive not to exceed one renewal
11 period, and shall be required to restore his or her license as
12 provided in subsection (B).

13 Any licensee whose license is in an inactive status shall
14 not practice in the State of Illinois.

15 (D) Disposition of monies collected. All monies collected
16 under this Act by the Department shall be deposited in the
17 Illinois State Medical Disciplinary Fund in the State Treasury,
18 and used only for the following purposes: (a) by the Medical
19 Disciplinary Board in the exercise of its powers and
20 performance of its duties, as such use is made by the
21 Department with full consideration of all recommendations of
22 the Medical Disciplinary Board, (b) for costs directly related
23 to persons licensed under this Act, and (c) for direct and
24 allocable indirect costs related to the public purposes of the
25 Department of Professional Regulation.

26 Moneys in the Fund may be transferred to the Professions

1 Indirect Cost Fund as authorized under Section 2105-300 of the
2 Department of Financial and Professional Regulation
3 (Professional Regulation) Law (20 ILCS 2105/2105-300).

4 All earnings received from investment of monies in the
5 Illinois State Medical Disciplinary Fund shall be deposited in
6 the Illinois State Medical Disciplinary Fund and shall be used
7 for the same purposes as fees deposited in such Fund.

8 (E) Fees. The following fees are nonrefundable.

9 (1) Applicants for any examination shall be required to
10 pay, either to the Department or to the designated testing
11 service, a fee covering the cost of determining the
12 applicant's eligibility and providing the examination.
13 Failure to appear for the examination on the scheduled
14 date, at the time and place specified, after the
15 applicant's application for examination has been received
16 and acknowledged by the Department or the designated
17 testing service, shall result in the forfeiture of the
18 examination fee.

19 (2) The fee for a license under Section 9 of this Act
20 is \$300.

21 (3) The fee for a license under Section 19 of this Act
22 is \$300.

23 (4) The fee for the renewal of a license for a resident
24 of Illinois shall be calculated at the rate of \$100 per
25 year, except for licensees who were issued a license within
26 12 months of the expiration date of the license, the fee

1 for the renewal shall be \$100. The fee for the renewal of a
2 license for a nonresident shall be calculated at the rate
3 of \$200 per year, except for licensees who were issued a
4 license within 12 months of the expiration date of the
5 license, the fee for the renewal shall be \$200.

6 (5) The fee for the restoration of a license other than
7 from inactive status, is \$100. In addition, payment of all
8 lapsed renewal fees not to exceed \$600 is required.

9 (6) The fee for a 3-year temporary license under
10 Section 17 is \$100.

11 (7) The fee for the issuance of a duplicate license,
12 for the issuance of a replacement license for a license
13 which has been lost or destroyed, or for the issuance of a
14 license with a change of name or address other than during
15 the renewal period is \$20. No fee is required for name and
16 address changes on Department records when no duplicate
17 license is issued.

18 (8) The fee to be paid for a license record for any
19 purpose is \$20.

20 (9) The fee to be paid to have the scoring of an
21 examination, administered by the Department, reviewed and
22 verified, is \$20 plus any fees charged by the applicable
23 testing service.

24 (10) The fee to be paid by a licensee for a wall
25 certificate showing his or her license shall be the actual
26 cost of producing the certificate.

1 (11) The fee for a roster of persons licensed as
2 physicians in this State shall be the actual cost of
3 producing such a roster.

4 (F) Any person who delivers a check or other payment to the
5 Department that is returned to the Department unpaid by the
6 financial institution upon which it is drawn shall pay to the
7 Department, in addition to the amount already owed to the
8 Department, a fine of \$50. The fines imposed by this Section
9 are in addition to any other discipline provided under this Act
10 for unlicensed practice or practice on a nonrenewed license.
11 The Department shall notify the person that payment of fees and
12 fines shall be paid to the Department by certified check or
13 money order within 30 calendar days of the notification. If,
14 after the expiration of 30 days from the date of the
15 notification, the person has failed to submit the necessary
16 remittance, the Department shall automatically terminate the
17 license or certificate or deny the application, without
18 hearing. If, after termination or denial, the person seeks a
19 license or certificate, he or she shall apply to the Department
20 for restoration or issuance of the license or certificate and
21 pay all fees and fines due to the Department. The Department
22 may establish a fee for the processing of an application for
23 restoration of a license or certificate to pay all expenses of
24 processing this application. The Director may waive the fines
25 due under this Section in individual cases where the Director
26 finds that the fines would be unreasonable or unnecessarily

1 burdensome.

2 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; 92-16,
3 eff. 6-28-01; 92-146, eff. 1-1-02.)

4 (225 ILCS 60/39) (from Ch. 111, par. 4400-39)

5 (Section scheduled to be repealed on December 31, 2008)

6 Sec. 39. Stenographer; transcript. The Department, at its
7 expense, shall provide a stenographer to take down the
8 testimony and preserve a record of all proceedings at the
9 hearing of any case wherein a license may be revoked,
10 suspended, placed on probationary status, or other
11 disciplinary action taken with regard thereto. The notice of
12 hearing, complaint and all other documents in the nature of
13 pleadings and written motions filed in the proceedings, the
14 transcript of testimony, the report of the Licensing Board and
15 the orders of the Department constitute the record of the
16 proceedings. The Department shall furnish a transcript of the
17 record to any person interested in such hearing upon payment of
18 the fee required under Section 2105-115 of the Department of
19 Financial and Professional Regulation (Professional
20 Regulation) Law (20 ILCS 2105/2105-115).

21 (Source: P.A. 91-239, eff. 1-1-00.)

22 Section 9490. The Naprapathic Practice Act is amended by
23 adding Section 2 and changing Section 130 as follows:

1 (225 ILCS 63/2 new)

2 Sec. 2. References to Department or Director of
3 Professional Regulation. On and after the effective date of
4 this amendatory Act of the 95th General Assembly:

5 (1) References in this Act to the Department of
6 Professional Regulation or "the Department" mean the
7 Department of Financial and Professional Regulation.

8 (2) References in this Act to the Director of
9 Professional Regulation or "the Director" mean the
10 Secretary of Financial and Professional Regulation.

11 (225 ILCS 63/130)

12 (Section scheduled to be repealed on January 1, 2013)

13 Sec. 130. Formal hearing; preservation of record. The
14 Department, at its expense, shall preserve a record of all
15 proceedings at the formal hearing of any case. The notice of
16 hearing, complaint, and all other documents in the nature of
17 pleadings and written motions filed in the proceedings, the
18 transcript of testimony, the report of the Committee or hearing
19 officer, and order of the Department shall be the record of the
20 proceeding. The Department shall furnish a transcript of the
21 record to any person interested in the hearing upon payment of
22 the fee required under Section 2105-115 of the Department of
23 Financial and Professional Regulation (Professional
24 Regulation) Law (20 ILCS 2105/2105-115).

25 (Source: P.A. 91-239, eff. 1-1-00.)

1 Section 9495. The Nurse Practice Act is amended by changing
2 Sections 70-50 and 70-85 as follows:

3 (225 ILCS 65/70-50) (was 225 ILCS 65/20-40)
4 (Section scheduled to be repealed on January 1, 2018)
5 Sec. 70-50. Fund.

6 (a) There is hereby created within the State Treasury the
7 Nursing Dedicated and Professional Fund. The monies in the Fund
8 may be used by and at the direction of the Department for the
9 administration and enforcement of this Act, including but not
10 limited to:

11 (1) Distribution and publication of this Act and rules.

12 (2) Employment of secretarial, nursing,
13 administrative, enforcement, and other staff for the
14 administration of this Act.

15 (b) Disposition of fees:

16 (1) \$5 of every licensure fee shall be placed in a fund
17 for assistance to nurses enrolled in a diversionary program
18 as approved by the Department.

19 (2) All of the fees, fines, and penalties collected
20 pursuant to this Act shall be deposited in the Nursing
21 Dedicated and Professional Fund.

22 (3) Each fiscal year, the moneys deposited in the
23 Nursing Dedicated and Professional Fund shall be
24 appropriated to the Department for expenses of the

1 Department and the Board in the administration of this Act.
2 All earnings received from investment of moneys in the
3 Nursing Dedicated and Professional Fund shall be deposited
4 in the Nursing Dedicated and Professional Fund and shall be
5 used for the same purposes as fees deposited in the Fund.

6 (4) For the fiscal year beginning July 1, 2004 and for
7 each fiscal year thereafter, \$1,200,000 of the moneys
8 deposited in the Nursing Dedicated and Professional Fund
9 each year shall be set aside and appropriated to the
10 Department of Public Health for nursing scholarships
11 awarded pursuant to the Nursing Education Scholarship Law.
12 Representatives of the Department and the Nursing
13 Education Scholarship Program Advisory Council shall
14 review this requirement and the scholarship awards every 2
15 years.

16 (5) Moneys in the Fund may be transferred to the
17 Professions Indirect Cost Fund as authorized under Section
18 2105-300 of the Department of Financial and Professional
19 Regulation (Professional Regulation) Law (20 ILCS
20 2105/2105-300).

21 (f) Moneys set aside for nursing scholarships awarded
22 pursuant to the Nursing Education Scholarship Law as provided
23 in item (iv) of subsection (e) of this Section may not be
24 transferred under Section 8h of the State Finance Act.

25 (Source: P.A. 95-331, eff. 8-21-07; 95-639, eff. 10-5-07.)

1 (225 ILCS 65/70-85) (was 225 ILCS 65/20-85)

2 (Section scheduled to be repealed on January 1, 2018)

3 Sec. 70-85. Stenographer; transcript. The Department, at
4 its expense, shall provide a stenographer to take down the
5 testimony and preserve a record of all proceedings at the
6 hearing of any case wherein any disciplinary action is taken
7 regarding a license. The notice of hearing, complaint and all
8 other documents in the nature of pleadings and written motions
9 filed in the proceedings, the transcript of testimony, the
10 report of the Board and the orders of the Department shall be
11 the record of the proceedings. The Department shall furnish a
12 transcript of the record to any person interested in the
13 hearing upon payment of the fee required under Section 2105-115
14 of the Department of Financial and Professional Regulation
15 (Professional Regulation) Law (20 ILCS 2105/2105-115).

16 (Source: P.A. 95-639, eff. 10-5-07.)

17 Section 9500. The Nursing Home Administrators Licensing
18 and Disciplinary Act is amended by adding Section 1.5 and
19 changing Section 23 as follows:

20 (225 ILCS 70/1.5 new)

21 Sec. 1.5. References to Department or Director of
22 Professional Regulation. On and after the effective date of
23 this amendatory Act of the 95th General Assembly:

24 (1) References in this Act to the Department of

1 Professional Regulation or "the Department" mean the
2 Department of Financial and Professional Regulation.

3 (2) References in this Act to the Director of
4 Professional Regulation or "the Director" mean the
5 Secretary of Financial and Professional Regulation.

6 (225 ILCS 70/23) (from Ch. 111, par. 3673)

7 (Section scheduled to be repealed on January 1, 2008)

8 Sec. 23. Record of proceedings. The Department, at its
9 expense, shall preserve a record of all proceedings at any
10 formal hearing of any case. The notice of hearing, complaint,
11 all other documents in the nature of pleadings and written
12 motions filed in the proceedings, the transcript of testimony,
13 the report of the Board, and the orders of the Department shall
14 be the record of the proceedings. The Department shall furnish
15 a transcript of the record to any person interested in such
16 hearing upon payment of the fee required under Section 2105-115
17 of the Department of Financial and Professional Regulation
18 (Professional Regulation) Law (20 ILCS 2105/2105-115).

19 (Source: P.A. 90-61, eff. 12-30-97; 91-239, eff. 1-1-00.)

20 Section 9505. The Illinois Occupational Therapy Practice
21 Act is amended by adding Section 1.5 as follows:

22 (225 ILCS 75/1.5 new)

23 Sec. 1.5. References to Department or Director of

1 Professional Regulation. On and after the effective date of
2 this amendatory Act of the 95th General Assembly:

3 (1) References in this Act to the Department of
4 Professional Regulation or "the Department" mean the
5 Department of Financial and Professional Regulation.

6 (2) References in this Act to the Director of
7 Professional Regulation or "the Director" mean the
8 Secretary of Financial and Professional Regulation.

9 Section 9510. The Illinois Optometric Practice Act of 1987
10 is amended by adding Section 2.5 and changing Section 20 as
11 follows:

12 (225 ILCS 80/2.5 new)

13 Sec. 2.5. References to Department or Director of
14 Professional Regulation. On and after the effective date of
15 this amendatory Act of the 95th General Assembly:

16 (1) References in this Act to the Department of
17 Professional Regulation or "the Department" mean the
18 Department of Financial and Professional Regulation.

19 (2) References in this Act to the Director of
20 Professional Regulation or "the Director" mean the
21 Secretary of Financial and Professional Regulation.

22 (225 ILCS 80/20) (from Ch. 111, par. 3920)

23 (Section scheduled to be repealed on January 1, 2017)

1 Sec. 20. Fund. All moneys received by the Department
2 pursuant to this Act shall be deposited in the Optometric
3 Licensing and Disciplinary Board Fund, which is hereby created
4 as a special fund in the State Treasury, and shall be used for
5 the administration of this Act, including: (a) by the Board in
6 the exercise of its powers and performance of its duties, as
7 such use is made by the Department with full consideration of
8 all recommendations of the Board; (b) for costs directly
9 related to license renewal of persons licensed under this Act;
10 and (c) for direct and allocable indirect costs related to the
11 public purposes of the Department of Financial and Professional
12 Regulation. Subject to appropriation, moneys in the Optometric
13 Licensing and Disciplinary Board Fund may be used for the
14 Optometric Education Scholarship Program administered by the
15 Illinois Student Assistance Commission pursuant to Section
16 65.70 of the Higher Education Student Assistance Act.

17 Moneys in the Fund may be transferred to the Professions
18 Indirect Cost Fund as authorized under Section 2105-300 of the
19 Department of Financial and Professional Regulation
20 (Professional Regulation) Law (20 ILCS 2105/2105-300).

21 Money in the Optometric Licensing and Disciplinary Board
22 Fund may be invested and reinvested, with all earnings received
23 from such investment to be deposited in the Optometric
24 Licensing and Disciplinary Board Fund and used for the same
25 purposes as fees deposited in such fund.

26 (Source: P.A. 94-787, eff. 5-19-06.)

1 Section 9515. The Mail Order Contact Lens Act is amended by
2 changing Section 5 as follows:

3 (225 ILCS 83/5)

4 Sec. 5. Definitions. As used in this Act:

5 "Contact lens prescription" means a written order bearing
6 the original signature of a duly licensed optometrist or
7 physician or an oral or electronic order issued directly by an
8 optometrist or physician that authorizes the dispensing of
9 contact lenses to a patient.

10 "Department" means the Department of Financial and
11 Professional Regulation.

12 "Mail-order ophthalmic provider" means an entity that
13 dispenses contact lenses through the United States Postal
14 Service or other common carrier to Illinois residents.

15 "Physician" means a person licensed to practice medicine in
16 all its branches under the Medical Practice Act of 1987.

17 (Source: P.A. 91-421, eff. 1-1-00.)

18 Section 9520. The Orthotics, Prosthetics, and Pedorthics
19 Practice Act is amended by adding Section 2 as follows:

20 (225 ILCS 84/2 new)

21 Sec. 2. References to Department or Director of
22 Professional Regulation. On and after the effective date of

1 this amendatory Act of the 95th General Assembly:

2 (1) References in this Act to the Department of
3 Professional Regulation or "the Department" mean the
4 Department of Financial and Professional Regulation.

5 (2) References in this Act to the Director of
6 Professional Regulation or "the Director" mean the
7 Secretary of Financial and Professional Regulation.

8 Section 9525. The Pharmacy Practice Act of 1987 is amended
9 by changing Section 27 as follows:

10 (225 ILCS 85/27) (from Ch. 111, par. 4147)

11 (Section scheduled to be repealed on January 1, 2018)

12 Sec. 27. Fees.

13 (a) The Department shall, by rule, provide for a schedule
14 of fees to be paid for licenses and certificates. These fees
15 shall be for the administration and enforcement of this Act,
16 including without limitation original licensure and renewal
17 and restoration of licensure. All fees are nonrefundable.

18 (b) Applicants for any examination as a pharmacist shall be
19 required to pay, either to the Department or to the designated
20 testing service, a fee covering the cost of determining an
21 applicant's eligibility and providing the examination. Failure
22 to appear for the examination on the scheduled date, at the
23 time and place specified, after the applicant's application for
24 examination has been received and acknowledged by the

1 Department or the designated testing service, shall result in
2 the forfeiture of the examination fee.

3 (c) Applicants for the preliminary diagnostic examination
4 shall be required to pay, either to the Department or to the
5 designated testing service, a fee covering the cost of
6 determining an applicant's eligibility and providing the
7 examination. Failure to appear for the examination on the
8 scheduled date, at the time and place specified, after the
9 application for examination has been received and acknowledged
10 by the Department or the designated testing service, shall
11 result in the forfeiture of the examination fee.

12 (d) All fees, fines, or penalties received by the
13 Department under this Act shall be deposited in the Illinois
14 State Pharmacy Disciplinary Fund hereby created in the State
15 Treasury and shall be used by the Department in the exercise of
16 its powers and performance of its duties under this Act,
17 including, but not limited to, the provision for evidence in
18 pharmacy investigations.

19 Moneys in the Fund may be transferred to the Professions
20 Indirect Cost Fund as authorized under Section 2105-300 of the
21 Department of Financial and Professional Regulation
22 (Professional Regulation) Law (20 ILCS 2105/2105-300).

23 The moneys deposited in the Illinois State Pharmacy
24 Disciplinary Fund shall be invested to earn interest which
25 shall accrue to the Fund.

26 (e) From the money received for license renewal fees, \$5

1 from each pharmacist fee, and \$2.50 from each pharmacy
2 technician fee, shall be set aside within the Illinois State
3 Pharmacy Disciplinary Fund for the purpose of supporting a
4 substance abuse program for pharmacists and pharmacy
5 technicians.

6 (f) A pharmacy, manufacturer of controlled substances, or
7 wholesale distributor of controlled substances that is
8 licensed under this Act and owned and operated by the State is
9 exempt from licensure, registration, renewal, and other fees
10 required under this Act.

11 Pharmacists and pharmacy technicians working in facilities
12 owned and operated by the State are not exempt from the payment
13 of fees required by this Act and any rules adopted under this
14 Act.

15 Nothing in this subsection (f) shall be construed to
16 prohibit the Department from imposing any fine or other penalty
17 allowed under this Act.

18 (Source: P.A. 95-689, eff. 10-29-07.)

19 Section 9530. The Illinois Physical Therapy Act is amended
20 by adding Section 0.06 as follows:

21 (225 ILCS 90/0.06 new)

22 Sec. 0.06. References to Department or Director of
23 Professional Regulation. On and after the effective date of
24 this amendatory Act of the 95th General Assembly:

1 (1) References in this Act to the Department of
2 Professional Regulation or "the Department" mean the
3 Department of Financial and Professional Regulation.

4 (2) References in this Act to the Director of
5 Professional Regulation or "the Director" mean the
6 Secretary of Financial and Professional Regulation.

7 Section 9535. The Physician Assistant Practice Act of 1987
8 is amended by adding Section 2.5 as follows:

9 (225 ILCS 95/2.5 new)

10 Sec. 2.5. References to Department or Director of
11 Professional Regulation. On and after the effective date of
12 this amendatory Act of the 95th General Assembly:

13 (1) References in this Act to the Department of
14 Professional Regulation or "the Department" mean the
15 Department of Financial and Professional Regulation.

16 (2) References in this Act to the Director of
17 Professional Regulation or "the Director" mean the
18 Secretary of Financial and Professional Regulation.

19 Section 9540. The Podiatric Medical Practice Act of 1987 is
20 amended by adding Section 2.5 and changing Section 19 as
21 follows:

22 (225 ILCS 100/2.5 new)

1 Sec. 2.5. References to Department or Director of
2 Professional Regulation. On and after the effective date of
3 this amendatory Act of the 95th General Assembly:

4 (1) References in this Act to the Department of
5 Professional Regulation or "the Department" mean the
6 Department of Financial and Professional Regulation.

7 (2) References in this Act to the Director of
8 Professional Regulation or "the Director" mean the
9 Secretary of Financial and Professional Regulation.

10 (225 ILCS 100/19) (from Ch. 111, par. 4819)

11 (Section scheduled to be repealed on January 1, 2008)

12 Sec. 19. Disciplinary Fund. All fees and fines received by
13 the Department under this Act shall be deposited in the
14 Illinois State Podiatric Disciplinary Fund, a special fund
15 created hereunder in the State Treasury. Of the moneys
16 deposited into the Illinois State Podiatric Disciplinary Fund,
17 during each 2-year renewal period, \$200,000 of the money
18 received from the payment of renewal fees shall be used for
19 podiatric scholarships and residency programs under the
20 Podiatric Scholarship and Residency Act and the remainder shall
21 be appropriated to the Department for expenses of the
22 Department and of the Podiatric Medical Licensing Board and for
23 podiatric scholarships and residency programs under the
24 Podiatric Scholarship and Residency Act.

25 Moneys in the Illinois State Podiatric Disciplinary Fund

1 may be invested and reinvested in investments authorized for
2 the investment of funds of the State Employees' Retirement
3 System of Illinois.

4 All earnings received from such investments shall be
5 deposited in the Illinois State Podiatric Disciplinary Fund and
6 may be used for the same purposes as fees deposited in such
7 fund.

8 Moneys in the Fund may be transferred to the Professions
9 Indirect Cost Fund as authorized under Section 2105-300 of the
10 Department of Financial and Professional Regulation
11 (Professional Regulation) Law (20 ILCS 2105/2105-300).

12 Moneys set aside for podiatric scholarships and residency
13 programs under the Podiatric Scholarship and Residency Act, as
14 provided for in this Section, may not be transferred under
15 Section 8h of the State Finance Act.

16 Upon the completion of any audit of the Department as
17 prescribed by the Illinois State Auditing Act which includes an
18 audit of the Illinois State Podiatric Disciplinary Fund, the
19 Department shall make the audit open to inspection by any
20 interested person.

21 (Source: P.A. 94-726, eff. 1-20-06.)

22 Section 9545. The Professional Boxing Act is amended by
23 changing Section 20 as follows:

24 (225 ILCS 105/20) (from Ch. 111, par. 5020)

1 (Section scheduled to be repealed on January 1, 2012)

2 Sec. 20. Stenographer; transcript. The Department, at its
3 expense, shall provide a stenographer to take down the
4 testimony and preserve a record of all proceedings at the
5 hearing of any case wherein a license or permit is subjected to
6 disciplinary action. The notice of hearing, complaint and all
7 other documents in the nature of pleadings and written motions
8 filed in the proceedings, the transcript of testimony, the
9 report of the board and the orders of the Department shall be
10 the record of the proceedings. The Department shall furnish a
11 transcript of the record to any person interested in the
12 hearing upon payment of the fee required under Section 2105-115
13 of the Department of Financial and Professional Regulation
14 (Professional Regulation) Law (20 ILCS 2105/2105-115).

15 (Source: P.A. 91-239, eff. 1-1-00.)

16 Section 9550. The Respiratory Care Practice Act is amended
17 by adding Section 2 and changing Section 110 as follows:

18 (225 ILCS 106/2 new)

19 Sec. 2. References to Department or Director of
20 Professional Regulation. On and after the effective date of
21 this amendatory Act of the 95th General Assembly:

22 (1) References in this Act to the Department of
23 Professional Regulation or "the Department" mean the
24 Department of Financial and Professional Regulation.

1 (2) References in this Act to the Director of
2 Professional Regulation or "the Director" mean the
3 Secretary of Financial and Professional Regulation.

4 (225 ILCS 106/110)

5 (Section scheduled to be repealed on January 1, 2016)

6 Sec. 110. Record of proceedings; transcript. The
7 Department, at its expense, shall preserve the record of all
8 proceedings at a formal hearing of any case. The notice of
9 hearing, complaint, all other documents in the nature of
10 pleadings and written motions filed in the proceedings, the
11 transcript of testimony, the report of the Board and orders of
12 the Department shall be in the record of the proceedings. The
13 Department shall furnish a transcript of the record to any
14 person interested in the hearing upon payment of the fee
15 required under Section 2105-115 of the Department of Financial
16 and Professional Regulation (Professional Regulation) Law (20
17 ILCS 2105/2105-115).

18 (Source: P.A. 91-239, eff. 1-1-00.)

19 Section 9555. The Professional Counselor and Clinical
20 Professional Counselor Licensing Act is amended by adding
21 Section 2 and changing Section 95 as follows:

22 (225 ILCS 107/2 new)

23 Sec. 2. References to Department or Director of

1 Professional Regulation. On and after the effective date of
2 this amendatory Act of the 95th General Assembly:

3 (1) References in this Act to the Department of
4 Professional Regulation or "the Department" mean the
5 Department of Financial and Professional Regulation.

6 (2) References in this Act to the Director of
7 Professional Regulation or "the Director" mean the
8 Secretary of Financial and Professional Regulation.

9 (225 ILCS 107/95)

10 (Section scheduled to be repealed on January 1, 2013)

11 Sec. 95. Record of proceedings; transcript. The
12 Department, at its expense, shall preserve a record of all
13 proceedings at the formal hearing of any case. The notice of
14 hearing, complaint, all other documents in the nature of
15 pleadings, written motions filed in the proceedings, the
16 transcript of testimony, the report of the Board and orders of
17 the Department shall be in the record of such proceeding. The
18 Department shall furnish a transcript of the record to any
19 person interested in the hearing upon payment of the fee
20 required under Section 2105-115 of the Department of Financial
21 and Professional Regulation (Professional Regulation) Law (20
22 ILCS 2105/2105-115).

23 (Source: P.A. 91-239, eff. 1-1-00.)

24 Section 9560. The Illinois Speech-Language Pathology and

1 Audiology Practice Act is amended by adding Section 1.5 as
2 follows:

3 (225 ILCS 110/1.5 new)

4 Sec. 1.5. References to Department or Director of
5 Professional Regulation. On and after the effective date of
6 this amendatory Act of the 95th General Assembly:

7 (1) References in this Act to the Department of
8 Professional Regulation or "the Department" mean the
9 Department of Financial and Professional Regulation.

10 (2) References in this Act to the Director of
11 Professional Regulation or "the Director" mean the
12 Secretary of Financial and Professional Regulation.

13 Section 9565. The Veterinary Medicine and Surgery Practice
14 Act of 2004 is amended by adding Section 2.5 as follows:

15 (225 ILCS 115/2.5 new)

16 Sec. 2.5. References to Department or Director of
17 Professional Regulation. On and after the effective date of
18 this amendatory Act of the 95th General Assembly:

19 (1) References in this Act to the Department of
20 Professional Regulation or "the Department" mean the
21 Department of Financial and Professional Regulation.

22 (2) References in this Act to the Director of
23 Professional Regulation or "the Director" mean the

1 Secretary of Financial and Professional Regulation.

2 Section 9570. The Wholesale Drug Distribution Licensing
3 Act is amended by adding Section 2 and changing Section 35 as
4 follows:

5 (225 ILCS 120/2 new)

6 Sec. 2. References to Department or Director of
7 Professional Regulation. On and after the effective date of
8 this amendatory Act of the 95th General Assembly:

9 (1) References in this Act to the Department of
10 Professional Regulation or "the Department" mean the
11 Department of Financial and Professional Regulation.

12 (2) References in this Act to the Director of
13 Professional Regulation or "the Director" mean the
14 Secretary of Financial and Professional Regulation.

15 (225 ILCS 120/35) (from Ch. 111, par. 8301-35)

16 (Section scheduled to be repealed on January 1, 2013)

17 Sec. 35. Fees; Illinois State Pharmacy Disciplinary Fund.

18 (a) The Department shall provide by rule for a schedule of
19 fees for the administration and enforcement of this Act,
20 including but not limited to original licensure, renewal, and
21 restoration. The fees shall be nonrefundable.

22 (b) All fees collected under this Act shall be deposited
23 into the Illinois State Pharmacy Disciplinary Fund and shall be

1 appropriated to the Department for the ordinary and contingent
2 expenses of the Department in the administration of this Act.
3 Moneys in the Fund may be transferred to the Professions
4 Indirect Cost Fund as authorized by Section 2105-300 of the
5 Department of Financial and Professional Regulation
6 (Professional Regulation) Law (20 ILCS 2105/2105-300).

7 The moneys deposited into the Illinois State Pharmacy
8 Disciplinary Fund shall be invested to earn interest which
9 shall accrue to the Fund.

10 The Department shall present to the Board for its review
11 and comment all appropriation requests from the Illinois State
12 Pharmacy Disciplinary Fund. The Department shall give due
13 consideration to any comments of the Board in making
14 appropriation requests.

15 (c) Any person who delivers a check or other payment to the
16 Department that is returned to the Department unpaid by the
17 financial institution upon which it is drawn shall pay to the
18 Department, in addition to the amount already owed to the
19 Department, a fine of \$50. The fines imposed by this Section
20 are in addition to any other discipline provided under this Act
21 for unlicensed practice or practice on a nonrenewed license.
22 The Department shall notify the person that payment of fees and
23 fines shall be paid to the Department by certified check or
24 money order within 30 calendar days of the notification. If,
25 after the expiration of 30 days from the date of the
26 notification, the person has failed to submit the necessary

1 remittance, the Department shall automatically terminate the
2 license or certificate or deny the application, without
3 hearing. If, after termination or denial, the person seeks a
4 license or certificate, he or she shall apply to the Department
5 for restoration or issuance of the license or certificate and
6 pay all fees and fines due to the Department. The Department
7 may establish a fee for the processing of an application for
8 restoration of a license or certificate to pay all expenses of
9 processing this application. The Director may waive the fines
10 due under this Section in individual cases where the Director
11 finds that the fines would be unreasonable or unnecessarily
12 burdensome.

13 (d) The Department shall maintain a roster of the names and
14 addresses of all registrants and of all persons whose licenses
15 have been suspended or revoked. This roster shall be available
16 upon written request and payment of the required fee.

17 (e) A manufacturer of controlled substances or wholesale
18 distributor of controlled substances that is licensed under
19 this Act and owned and operated by the State is exempt from
20 licensure, registration, renewal, and other fees required
21 under this Act. Nothing in this subsection (e) shall be
22 construed to prohibit the Department from imposing any fine or
23 other penalty allowed under this Act.

24 (Source: P.A. 95-689, eff. 10-29-07.)

25 Section 9575. The Perfusionist Practice Act is amended by

1 adding Section 2 as follows:

2 (225 ILCS 125/2 new)

3 Sec. 2. References to Department or Director of
4 Professional Regulation. On and after the effective date of
5 this amendatory Act of the 95th General Assembly:

6 (1) References in this Act to the Department of
7 Professional Regulation or "the Department" mean the
8 Department of Financial and Professional Regulation.

9 (2) References in this Act to the Director of
10 Professional Regulation or "the Director" mean the
11 Secretary of Financial and Professional Regulation.

12 Section 9580. The Registered Surgical Assistant and
13 Registered Surgical Technologist Title Protection Act is
14 amended by adding Section 2 and changing Section 90 as follows:

15 (225 ILCS 130/2 new)

16 Sec. 2. References to Department or Director of
17 Professional Regulation. On and after the effective date of
18 this amendatory Act of the 95th General Assembly:

19 (1) References in this Act to the Department of
20 Professional Regulation or "the Department" mean the
21 Department of Financial and Professional Regulation.

22 (2) References in this Act to the Director of
23 Professional Regulation or "the Director" mean the

1 Secretary of Financial and Professional Regulation.

2 (225 ILCS 130/90)

3 (Section scheduled to be repealed on January 1, 2014)

4 Sec. 90. Record of proceedings. The Department, at its
5 expense, shall preserve a record of all proceedings at a formal
6 hearing conducted pursuant to Section 85 of this Act. The
7 notice of hearing, complaint, and all other documents in the
8 nature of pleadings and written motions filed in the
9 proceedings, the transcript of testimony, the report of the
10 Department or hearing officer, and orders of the Department
11 shall be the record of the proceeding. The Department shall
12 supply a transcript of the record to a person interested in the
13 hearing on payment of the fee required under Section 2105-115
14 of the Department of Financial and Professional Regulation
15 (Professional Regulation) Law of the Civil Administrative Code
16 of Illinois.

17 (Source: P.A. 93-280, eff. 7-1-04.)

18 Section 9581. The Genetic Counselor Licensing Act is
19 amended by changing Sections 10 and 110 as follows:

20 (225 ILCS 135/10)

21 (Section scheduled to be repealed on January 1, 2015)

22 Sec. 10. Definitions. As used in this Act:

23 "ABGC" means the American Board of Genetic Counseling.

1 "ABMG" means the American Board of Medical Genetics.

2 "Active candidate status" is awarded to applicants who have
3 received approval from the ABGC or ABMG to sit for their
4 respective certification examinations.

5 "Department" means the Department of Financial and
6 Professional Regulation.

7 "Director" means the Secretary of Financial and ~~Director of~~
8 Professional Regulation.

9 "Genetic anomaly" means a variation in an individual's DNA
10 that has been shown to confer a genetically influenced disease
11 or predisposition to a genetically influenced disease or makes
12 a person a carrier of such variation. A "carrier" of a genetic
13 anomaly means a person who may or may not have a predisposition
14 or risk of incurring a genetically influenced condition and who
15 is at risk of having offspring with a genetically influenced
16 condition.

17 "Genetic counseling" means the provision of services,
18 pursuant to a referral, to individuals, couples, groups,
19 families, and organizations by one or more appropriately
20 trained individuals to address the physical and psychological
21 issues associated with the occurrence or risk of occurrence or
22 recurrence of a genetic disorder, birth defect, disease, or
23 potentially inherited or genetically influenced condition in
24 an individual or a family. "Genetic counseling" consists of the
25 following:

26 (A) Estimating the likelihood of occurrence or

1 recurrence of a birth defect or of any potentially
2 inherited or genetically influenced condition. This
3 assessment may involve:

4 (i) obtaining and analyzing a complete health
5 history of the person and his or her family;

6 (ii) reviewing pertinent medical records;

7 (iii) evaluating the risks from exposure to
8 possible mutagens or teratogens;

9 (iv) recommending genetic testing or other
10 evaluations to diagnose a condition or determine the
11 carrier status of one or more family members;

12 (B) Helping the individual, family, health care
13 provider, or health care professional (i) appreciate the
14 medical, psychological and social implications of a
15 disorder, including its features, variability, usual
16 course and management options, (ii) learn how genetic
17 factors contribute to the disorder and affect the chance
18 for recurrence of the condition in other family members,
19 and (iii) understand available options for coping with,
20 preventing, or reducing the chance of occurrence or
21 recurrence of a condition.

22 (C) Facilitating an individual's or family's (i)
23 exploration of the perception of risk and burden associated
24 with the disorder and (ii) adjustment and adaptation to the
25 condition or their genetic risk by addressing needs for
26 psychological, social, and medical support.

1 "Genetic counselor" means a person licensed under this Act
2 to engage in the practice of genetic counseling.

3 "Person" means an individual, association, partnership, or
4 corporation.

5 "Qualified supervisor" means any person who is a licensed
6 genetic counselor, as defined by rule, or a physician licensed
7 to practice medicine in all its branches. A qualified
8 supervisor may be provided at the applicant's place of work, or
9 may be contracted by the applicant to provide supervision. The
10 qualified supervisor shall file written documentation with the
11 Department of employment, discharge, or supervisory control of
12 a genetic counselor at the time of employment, discharge, or
13 assumption of supervision of a genetic counselor.

14 "Referral" means a written or telecommunicated
15 authorization for genetic counseling services from a physician
16 licensed to practice medicine in all its branches, an advanced
17 practice nurse who has a collaborative agreement with a
18 collaborating physician that authorizes referrals to a genetic
19 counselor, or a physician assistant who has been delegated
20 authority to make referrals to genetic counselors.

21 "Supervision" means review of aspects of genetic
22 counseling and case management in a bimonthly meeting with the
23 person under supervision.

24 (Source: P.A. 93-1041, eff. 9-29-04; 94-661, eff. 1-1-06.)

25 (225 ILCS 135/110)

1 (Section scheduled to be repealed on January 1, 2015)

2 Sec. 110. Record of proceedings; transcript. The
3 Department, at its expense, shall preserve a record of all
4 proceedings at the formal hearing of any case. The notice of
5 hearing, complaint, all other documents in the nature of
6 pleadings, written motions filed in the proceedings, the
7 transcript of testimony, the report of the hearing officer and
8 orders of the Department shall be in the record of such
9 proceeding. The Department shall furnish a transcript of the
10 record to any person interested in the hearing upon payment of
11 the fee required under Section 2105-115 of the Department of
12 Financial and Professional Regulation (Professional
13 Regulation) Law of the Civil Administrative Code of Illinois.
14 (Source: P.A. 93-1041, eff. 9-29-04.)

15 Section 9585. The Illinois Architecture Practice Act of
16 1989 is amended by adding Section 1.5 and changing Sections 25
17 and 38 as follows:

18 (225 ILCS 305/1.5 new)

19 Sec. 1.5. References to Department or Director of
20 Professional Regulation. On and after the effective date of
21 this amendatory Act of the 95th General Assembly:

22 (1) References in this Act to the Department of
23 Professional Regulation or "the Department" mean the
24 Department of Financial and Professional Regulation.

1 (2) References in this Act to the Director of
2 Professional Regulation or "the Director" mean the
3 Secretary of Financial and Professional Regulation.

4 (225 ILCS 305/25) (from Ch. 111, par. 1325)

5 (Section scheduled to be repealed on January 1, 2010)

6 Sec. 25. Stenographer; transcript. The Department, at its
7 expense, shall preserve a record of all proceedings at the
8 formal hearing of any case involving the refusal to restore,
9 issue or renew a license, or the discipline of a licensee. The
10 notice of hearing, complaint and all other documents in the
11 nature of pleadings and written motions filed in the
12 proceedings, the transcript of testimony, the report of the
13 Board and the orders of the Department shall be the record of
14 the proceedings. The Department shall furnish a transcript of
15 the record to any person interested in the hearing upon payment
16 of the fee required by Section 2105-115 of the Department of
17 Financial and Professional Regulation (Professional
18 Regulation) Law (20 ILCS 2105/2105-115).

19 (Source: P.A. 91-239, eff. 1-1-00.)

20 (225 ILCS 305/38) (from Ch. 111, par. 1338)

21 (Section scheduled to be repealed on January 1, 2010)

22 Sec. 38. Fund; appropriations; investments; audits. Moneys
23 deposited in the Design Professionals Administration and
24 Investigation Fund shall be appropriated to the Department

1 exclusively for expenses of the Department and the Board in the
2 administration of this Act, the Illinois Professional Land
3 Surveyor Act of 1989, the Professional Engineering Practice Act
4 of 1989, and the Structural Engineering Practice Act of 1989.
5 The expenses of the Department under this Act shall be limited
6 to the ordinary and contingent expenses of the Design
7 Professionals Dedicated Employees within the Department as
8 established under Section 2105-75 of the Department of
9 Professional Regulation Law (20 ILCS 2105/2105-75) and other
10 expenses related to the administration and enforcement of this
11 Act.

12 Moneys from the Fund may also be used for direct and
13 allocable indirect costs related to the public purposes of the
14 Department of Professional Regulation. Moneys in the Fund may
15 be transferred to the Professions Indirect Cost Fund as
16 authorized by Section 2105-300 of the Department of Financial
17 and Professional Regulation (Professional Regulation) Law (20
18 ILCS 2105/2105-300).

19 All fines and penalties under Sections 22 and 36 shall be
20 deposited in the Design Professionals Administration and
21 Investigation Fund.

22 Moneys in the Design Professionals Administration and
23 Investigation Fund may be invested and reinvested, with all
24 earnings received from the investments to be deposited in the
25 Design Professionals Administration and Investigation Fund and
26 used for the same purposes as fees deposited in the Fund.

1 Upon the completion of any audit of the Department as
2 prescribed by the Illinois State Auditing Act that includes an
3 audit of the Design Professionals Administration and
4 Investigation Fund, the Department shall make the audit open to
5 inspection by any interested person. The copy of the audit
6 report required to be submitted to the Department by this
7 Section is an addition to copies of audit reports required to
8 be submitted to other State officers and agencies by Section
9 3-14 of the Illinois State Auditing Act.

10 (Source: P.A. 91-91, eff. 1-1-00; 91-133, eff. 1-1-00; 91-239,
11 eff. 1-1-00; 92-16, eff. 6-28-01.)

12 Section 9590. The Interior Design Title Act is amended by
13 adding Section 1.5 and changing Section 30 as follows:

14 (225 ILCS 310/1.5 new)

15 Sec. 1.5. References to Department or Director of
16 Professional Regulation. On and after the effective date of
17 this amendatory Act of the 95th General Assembly:

18 (1) References in this Act to the Department of
19 Professional Regulation or "the Department" mean the
20 Department of Financial and Professional Regulation.

21 (2) References in this Act to the Director of
22 Professional Regulation or "the Director" mean the
23 Secretary of Financial and Professional Regulation.

1 (225 ILCS 310/30) (from Ch. 111, par. 8230)

2 (Section scheduled to be repealed on January 1, 2012)

3 Sec. 30. Interior Design Administration and Investigation
4 Fund. All of the fees collected pursuant to this Act shall be
5 deposited into the General Professions Dedicated Fund.

6 On January 1, 2000 the State Comptroller shall transfer the
7 balance of the monies in the Interior Design Administration and
8 Investigation Fund into the General Professions Dedicated
9 Fund. Amounts appropriated for fiscal year 2000 out of the
10 Interior Design Administration and Investigation Fund may be
11 paid out of the General Professions Dedicated Fund.

12 The monies deposited in the General Professions Dedicated
13 Fund may be used for the expenses of the Department in the
14 administration of this Act.

15 Moneys from the Fund may also be used for direct and
16 allocable indirect costs related to the public purposes of the
17 Department of Professional Regulation. Moneys in the Fund may
18 be transferred to the Professions Indirect Cost Fund as
19 authorized by Section 2105-300 of the Department of Financial
20 and Professional Regulation (Professional Regulation) Law (20
21 ILCS 2105/2105-300).

22 Upon the completion of any audit of the Department as
23 prescribed by the Illinois State Auditing Act that includes an
24 audit of the Interior Design Administration and Investigation
25 Fund, the Department shall make the audit open to inspection by
26 any interested person. The copy of the audit report required to

1 be submitted to the Department by this Section is in addition
2 to copies of audit reports required to be submitted to other
3 State officers and agencies by Section 3-14 of the Illinois
4 State Auditing Act.

5 (Source: P.A. 91-239, eff. 1-1-00; 91-454, eff. 1-1-00; 92-16,
6 eff. 6-28-01.)

7 Section 9595. The Elevator Safety and Regulation Act is
8 amended by changing Section 100 as follows:

9 (225 ILCS 312/100)

10 (Section scheduled to be repealed on January 1, 2013)

11 Sec. 100. Insurance requirements.

12 (a) Elevator contractors shall submit to the Administrator
13 an insurance policy or certified copy thereof, issued by an
14 insurance company authorized to do business in the State, to
15 provide general liability coverage of at least \$1,000,000 for
16 injury or death of any number of persons in any one occurrence,
17 with coverage of at least \$500,000 for property damage in any
18 one occurrence and statutory workers compensation insurance
19 coverage.

20 (b) Private elevator inspectors shall submit to the
21 Administrator an insurance policy or certified copy thereof,
22 issued by an insurance company authorized to do business in the
23 State, to provide general liability coverage of at least
24 \$1,000,000 for injury or death of any number of persons in any

1 one occurrence, with coverage of at least \$500,000 for property
2 damage in any one occurrence and statutory workers compensation
3 insurance coverage.

4 (c) These policies, or duly certified copies thereof, or an
5 appropriate certificate of insurance, approved as to form by
6 the Department of Financial and Professional Regulation or its
7 predecessor, the Department of Insurance, shall be delivered to
8 the Administrator before or at the time of the issuance of a
9 license. In the event of a material alteration or cancellation
10 of a policy, at least 10 days notice thereof shall be given to
11 the Administrator.

12 (Source: P.A. 95-573, eff. 8-31-07.)

13 Section 9600. The Illinois Landscape Architecture Act of
14 1989 is amended by adding Section 2.5 and changing Sections 15
15 and 20 as follows:

16 (225 ILCS 315/2.5 new)

17 Sec. 2.5. References to Department or Director of
18 Professional Regulation. On and after the effective date of
19 this amendatory Act of the 95th General Assembly:

20 (1) References in this Act to the Department of
21 Professional Regulation or "the Department" mean the
22 Department of Financial and Professional Regulation.

23 (2) References in this Act to the Director of
24 Professional Regulation or "the Director" mean the

1 Secretary of Financial and Professional Regulation.

2 (225 ILCS 315/15) (from Ch. 111, par. 8115)

3 (Section scheduled to be repealed on January 1, 2010)

4 Sec. 15. Disposition of funds. All of the fees collected
5 pursuant to this Act shall be deposited in the General
6 Professions Dedicated Fund.

7 On January 1, 2000 the State Comptroller shall transfer the
8 balance of the monies in the Landscape Architects'
9 Administration and Investigation Fund into the General
10 Professions Dedicated Fund. Amounts appropriated for fiscal
11 year 2000 out of the Landscape Architects' Administration and
12 Investigation Fund may be paid out of the General Professions
13 Dedicated Fund.

14 The monies deposited in the General Professions Dedicated
15 Fund may be used for the expenses of the Department in the
16 administration of this Act.

17 Moneys from the Fund may also be used for direct and
18 allocable indirect costs related to the public purposes of the
19 Department of Professional Regulation. Moneys in the Fund may
20 be transferred to the Professions Indirect Cost Fund as
21 authorized by Section 2105-300 of the Department of Financial
22 and Professional Regulation (Professional Regulation) Law (20
23 ILCS 2105/2105-300).

24 (Source: P.A. 91-239, eff. 1-1-00; 91-255, eff. 12-30-99;
25 92-16, eff. 6-28-01.)

1 (225 ILCS 315/20) (from Ch. 111, par. 8120)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 20. Record of proceedings; transcript. The
4 Department, at its expense, shall preserve a record of all
5 proceedings at the formal hearing of any case involving the
6 refusal to restore, issue or renew a license, or the discipline
7 of a licensee. The notice of hearing, complaint and all other
8 documents in the nature of pleadings and written motions filed
9 in the proceedings, the transcript of testimony, the report of
10 the Board and the orders of the Department shall be the record
11 of the proceedings. The Department shall furnish a transcript
12 of the record to any person interested in the hearing upon
13 payment of the fee required under Section 2105-115 of the
14 Department of Financial and Professional Regulation
15 (Professional Regulation) Law (20 ILCS 2105/2105-115).

16 (Source: P.A. 91-239, eff. 1-1-00.)

17 Section 9605. The Professional Engineering Practice Act of
18 1989 is amended by adding Section 2.5 and changing Sections 27
19 and 44 as follows:

20 (225 ILCS 325/2.5 new)

21 Sec. 2.5. References to Department or Director of
22 Professional Regulation. On and after the effective date of
23 this amendatory Act of the 95th General Assembly:

1 (1) References in this Act to the Department of
2 Professional Regulation or "the Department" mean the
3 Department of Financial and Professional Regulation.

4 (2) References in this Act to the Director of
5 Professional Regulation or "the Director" mean the
6 Secretary of Financial and Professional Regulation.

7 (225 ILCS 325/27) (from Ch. 111, par. 5227)

8 (Section scheduled to be repealed on January 1, 2010)

9 Sec. 27. Stenographer; transcript. The Department, at its
10 expense, shall preserve a record of all proceedings at the
11 formal hearing of any case involving the refusal to issue,
12 restore or renew a license or otherwise discipline a
13 registrant. The notice of hearing, complaint and all other
14 documents in the nature of pleadings and written motions filed
15 in the proceedings, the transcript of testimony, the report of
16 the Board and orders of the Department shall be in the record
17 of the proceeding. The Department shall furnish a transcript of
18 the record to any person interested in the hearing upon payment
19 of the fee required under Section 2105-115 of the Department of
20 Financial and Professional Regulation (Professional
21 Regulation) Law (20 ILCS 2105/2105-115).

22 (Source: P.A. 91-239, eff. 1-1-00.)

23 (225 ILCS 325/44) (from Ch. 111, par. 5244)

24 (Section scheduled to be repealed on January 1, 2010)

1 Sec. 44. Fund; appropriations; investments; audits. Moneys
2 deposited in the Design Professionals Administration and
3 Investigation Fund shall be appropriated to the Department
4 exclusively for expenses of the Department and the Board in the
5 administration of this Act, the Illinois Professional Land
6 Surveyor Act of 1989, the Illinois Architecture Practice Act,
7 and the Structural Engineering Practice Act of 1989. The
8 expenses of the Department under this Act shall be limited to
9 the ordinary and contingent expenses of the Design
10 Professionals Dedicated Employees within the Department as
11 established under Section 2105-75 of the Department of
12 Financial and Professional Regulation (Professional
13 Regulation) Law (20 ILCS 2105/2105-75) and other expenses
14 related to the administration and enforcement of this Act.

15 Moneys from the Fund may also be used for direct and
16 allocable indirect costs related to the public purposes of the
17 Department of Professional Regulation. Moneys in the Fund may
18 be transferred to the Professions Indirect Cost Fund as
19 authorized by Section 2105-300 of the Department of Financial
20 and Professional Regulation (Professional Regulation) Law (20
21 ILCS 2105/2105-300).

22 Moneys in the Design Professionals Administration and
23 Investigation Fund may be invested and reinvested with all
24 earnings received from the investments to be deposited in the
25 Design Professionals Administration and Investigation Fund and
26 used for the same purposes as fees deposited in the Fund.

1 All fines and penalties under Section 24, Section 39,
2 Section 42, and Section 43 shall be deposited in the Design
3 Professionals Administration and Investigation Fund.

4 Upon the completion of any audit of the Department as
5 prescribed by the Illinois State Auditing Act that audit
6 includes an audit of the Design Professionals Administration
7 and Investigation Fund, the Department shall make the audit
8 report open to inspection by any interested person. The copy of
9 the audit report required to be submitted to the Department by
10 this Section is in addition to copies of audit reports required
11 to be submitted to other State officers and agencies by Section
12 3-14 of the Illinois State Auditing Act.

13 (Source: P.A. 91-91, eff. 1-1-00; 91-92, eff. 1-1-00; 91-239,
14 eff. 1-1-00; 92-16, eff. 6-28-01.)

15 Section 9610. The Illinois Professional Land Surveyor Act
16 of 1989 is amended by adding Section 2.5 and changing Sections
17 30 and 48 as follows:

18 (225 ILCS 330/2.5 new)

19 Sec. 2.5. References to Department or Director of
20 Professional Regulation. On and after the effective date of
21 this amendatory Act of the 95th General Assembly:

22 (1) References in this Act to the Department of
23 Professional Regulation or "the Department" mean the
24 Department of Financial and Professional Regulation.

1 (2) References in this Act to the Director of
2 Professional Regulation or "the Director" mean the
3 Secretary of Financial and Professional Regulation.

4 (225 ILCS 330/30) (from Ch. 111, par. 3280)

5 (Section scheduled to be repealed on January 1, 2010)

6 Sec. 30. Stenographer; transcript. The Department, at its
7 expense, shall provide a stenographer to take down the
8 testimony and preserve a record of all proceedings at the
9 hearing of any case where a license is revoked, suspended, or
10 other disciplinary action is taken. The notice of hearing,
11 complaint and all other documents in the nature of pleadings
12 and written motions filed in the proceedings, the transcript of
13 testimony, the report of the Board and the orders of the
14 Department shall be the record of the proceedings. The
15 Department shall furnish a transcript of the record to any
16 person interested in the hearing upon payment of the fee
17 required under Section 2105-115 of the Department of Financial
18 and Professional Regulation (Professional Regulation) Law (20
19 ILCS 2105/2105-115).

20 (Source: P.A. 91-239, eff. 1-1-00.)

21 (225 ILCS 330/48) (from Ch. 111, par. 3298)

22 (Section scheduled to be repealed on January 1, 2010)

23 Sec. 48. Fund, appropriations, investments and audits. The
24 moneys deposited in the Design Professionals Administration

1 and Investigation Fund from fines and fees under this Act shall
2 be appropriated to the Department exclusively for expenses of
3 the Department and the Board in the administration of this Act,
4 the Illinois Architecture Practice Act, the Professional
5 Engineering Practice Act of 1989, and the Structural
6 Engineering Practice Act of 1989. The expenses of the
7 Department under this Act shall be limited to the ordinary and
8 contingent expenses of the Design Professionals Dedicated
9 Employees within the Department as established under Section
10 2105-75 of the Department of Financial and Professional
11 Regulation (Professional Regulation) Law (20 ILCS
12 2105/2105-75) and other expenses related to the administration
13 and enforcement of this Act.

14 Moneys from the Fund may also be used for direct and
15 allocable indirect costs related to the public purposes of the
16 Department of Professional Regulation. Moneys in the Fund may
17 be transferred to the Professions Indirect Cost Fund as
18 authorized by Section 2105-300 of the Department of Financial
19 and Professional Regulation (Professional Regulation) Law (20
20 ILCS 2105/2105-300).

21 Moneys in the Design Professionals Administration and
22 Investigation Fund may be invested and reinvested with all
23 earnings received from the investments to be deposited in the
24 Design Professionals Administration and Investigation Fund and
25 used for the same purposes as fees deposited in that Fund.

26 Upon the completion of any audit of the Department as

1 prescribed by the Illinois State Auditing Act that includes an
2 audit of the Design Professionals Administration and
3 Investigation Fund, the Department shall make the audit open to
4 inspection by any interested person. The copy of the audit
5 report required to be submitted to the Department by this
6 Section is in addition to copies of audit reports required to
7 be submitted to other State officers and agencies by Section
8 3-14 of the Illinois State Auditing Act.

9 (Source: P.A. 91-91, eff. 1-1-00; 91-239, eff. 1-1-00; 92-16,
10 eff. 6-28-01.)

11 Section 9615. The Illinois Roofing Industry Licensing Act
12 is amended by adding Section 1.5 and changing Section 9.2 as
13 follows:

14 (225 ILCS 335/1.5 new)

15 Sec. 1.5. References to Department or Director of
16 Professional Regulation. On and after the effective date of
17 this amendatory Act of the 95th General Assembly:

18 (1) References in this Act to the Department of
19 Professional Regulation or "the Department" mean the
20 Department of Financial and Professional Regulation.

21 (2) References in this Act to the Director of
22 Professional Regulation or "the Director" mean the
23 Secretary of Financial and Professional Regulation.

1 (225 ILCS 335/9.2) (from Ch. 111, par. 7509.2)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 9.2. Stenographer; record of proceedings. The
4 Department, at its expense, shall provide a stenographer to
5 take down the testimony and preserve a record of all
6 proceedings initiated pursuant to this Act, the rules for the
7 administration of this Act, or any other Act or rules relating
8 to this Act and proceedings for restoration of any license
9 issued under this Act. The notice of hearing, complaint,
10 answer, and all other documents in the nature of pleadings and
11 written motions and responses filed in the proceedings, the
12 transcript of the testimony, all exhibits admitted into
13 evidence, the report of the hearing officer, the Board's
14 findings of fact, conclusions of law, and recommendations to
15 the Director, and the order shall be the record of the
16 proceedings. The Department shall furnish a transcript of the
17 record to any person interested in the hearing upon payment of
18 the fee required under Section 2105-115 of the Department of
19 Financial and Professional Regulation (Professional
20 Regulation) Law (20 ILCS 2105/2105-115).

21 (Source: P.A. 91-239, eff. 1-1-00; 91-950, eff. 2-9-01.)

22 Section 9620. The Structural Engineering Practice Act of
23 1989 is amended by adding Section 2.5 and changing Sections 23
24 and 36 as follows:

1 (225 ILCS 340/2.5 new)

2 Sec. 2.5. References to Department or Director of
3 Professional Regulation. On and after the effective date of
4 this amendatory Act of the 95th General Assembly:

5 (1) References in this Act to the Department of
6 Professional Regulation or "the Department" mean the
7 Department of Financial and Professional Regulation.

8 (2) References in this Act to the Director of
9 Professional Regulation or "the Director" mean the
10 Secretary of Financial and Professional Regulation.

11 (225 ILCS 340/23) (from Ch. 111, par. 6623)

12 (Section scheduled to be repealed on January 1, 2010)

13 Sec. 23. Record; transcript. The Department, at its
14 expense, shall preserve a record of all proceedings at the
15 formal hearing of any case involving the refusal to issue,
16 restore or renew a license or the discipline of a licensee. The
17 notice of hearing, complaint and all other documents in the
18 nature of pleadings and written motions filed in the
19 proceedings, the transcript of testimony, the report of the
20 Board and the orders of the Department shall be the record of
21 the proceedings. The Department shall furnish a transcript of
22 the record to any person interested in the hearing upon payment
23 of the fee required under Section 2105-115 of the Department of
24 Financial and Professional Regulation (Professional
25 Regulation) Law (20 ILCS 2105/2105-115).

1 (Source: P.A. 91-239, eff. 1-1-00.)

2 (225 ILCS 340/36) (from Ch. 111, par. 6636)

3 (Section scheduled to be repealed on January 1, 2010)

4 Sec. 36. Fund; appropriations; investments; audits. Moneys
5 collected under this Act and deposited in the Design
6 Professionals Administration and Investigation Fund shall be
7 appropriated to the Department exclusively for expenses of the
8 Department and the Board in the administration of this Act, the
9 Illinois Professional Land Surveyor Act of 1989, the
10 Professional Engineering Practice Act of 1989, and the Illinois
11 Architecture Practice Act. The expenses of the Department under
12 this Act shall be limited to the ordinary and contingent
13 expenses of the Design Professionals Dedicated Employees
14 within the Department as established under Section 2105-75 of
15 the Department of Financial and Professional Regulation
16 (Professional Regulation) Law (20 ILCS 2105/2105-75) and other
17 expenses related to the administration and enforcement of this
18 Act.

19 Moneys from the Fund may also be used for direct and
20 allocable indirect costs related to the public purposes of the
21 Department of Professional Regulation. Moneys in the Fund may
22 be transferred to the Professions Indirect Cost Fund as
23 authorized by Section 2105-300 of the Department of Financial
24 and Professional Regulation (Professional Regulation) Law (20
25 ILCS 2105/2105-300).

1 Moneys in the Design Professionals Administration and
2 Investigation Fund may be invested and reinvested, with all
3 earnings received from the investments to be deposited in the
4 Design Professionals Administration and Investigation Fund and
5 used for the same purposes as fees deposited in the Fund.

6 All fines and penalties under Sections 20 and 34 shall be
7 deposited in the Design Professionals Administration and
8 Investigation Fund.

9 Upon the completion of any audit of the Department, as
10 prescribed by the Illinois State Auditing Act, that includes an
11 audit of the Design Professionals Administration and
12 Investigation Fund, the Department shall make the audit open to
13 inspection by any interested person. The copy of the audit
14 report required to be submitted to the Department by this
15 Section is in addition to copies of audit reports required to
16 be submitted to other State officers and agencies by Section
17 3-14 of the Illinois State Auditing Act.

18 (Source: P.A. 91-239, eff. 1-1-00.)

19 Section 9625. The Auction License Act is amended by adding
20 Section 5-2 and by changing Section 30-15 as follows:

21 (225 ILCS 407/5-2 new)

22 Sec. 5-2. References to Office or Commissioner of Banks and
23 Real Estate. On and after the effective date of this amendatory
24 Act of the 95th General Assembly:

1 (1) References in this Act to the Office of Banks and
2 Real Estate, "the Office", or "OBRE" mean the Department of
3 Financial and Professional Regulation.

4 (2) References in this Act to the Commissioner of Banks
5 and Real Estate or "the Commissioner" mean the Secretary of
6 Financial and Professional Regulation.

7 (225 ILCS 407/30-15)

8 (Text of Section before amendment by P.A. 95-572)

9 (Section scheduled to be repealed on January 1, 2010)

10 Sec. 30-15. Auction Regulation Administration Fund. A
11 special fund to be known as the Auction Regulation
12 Administration Fund is created in the State Treasury. All fees
13 received by the OBRE under this Act shall be deposited into the
14 Auction Regulation Administration Fund. Subject to
15 appropriation, the moneys deposited into the Auction
16 Regulation Administration Fund shall be used by the OBRE for
17 the administration of this Act. Moneys in the Auction
18 Regulation Administration Fund may be invested and reinvested
19 in the same manner as authorized for pension funds in Article
20 14 of the Illinois Pension Code. All earnings, interest, and
21 dividends received from investment of funds in the Auction
22 Regulation Administration Fund shall be deposited into the
23 Auction Regulation Administration Fund and shall be used for
24 the same purposes as other moneys deposited in the Auction
25 Regulation Administration Fund.

1 This fund shall be created on July 1, 1999. The State
2 Treasurer shall cause a transfer of \$300,000 to the Auction
3 Regulation Administration Fund from the Real Estate License
4 Administration Fund on August 1, 1999. The State Treasurer
5 shall cause a transfer of \$200,000 on August 1, 2000 and a
6 transfer of \$100,000 on January 1, 2002 from the Auction
7 Regulation Administration Fund to the Real Estate License
8 Administration Fund, or if there is a sufficient fund balance
9 in the Auction Regulation Administration Fund to properly
10 administer this Act, the OBRE may recommend to the State
11 Treasurer to cause a transfer from the Auction Regulation
12 Administration Fund to the Real Estate License Administration
13 Fund on a date and in an amount which is accelerated, but not
14 less than set forth in this Section. In addition to the license
15 fees required under this Act, each initial applicant for
16 licensure under this Act shall pay to the OBRE an additional
17 \$100 for deposit into the Auction Regulation Administration
18 Fund for a period of 2 years or until such time the original
19 transfer amount to the Auction Regulation Administration Fund
20 from the Real Estate License Administration Fund is repaid.

21 Moneys in the Auction Regulation Administration Fund may be
22 transferred to the Professions Indirect Cost Fund, as
23 authorized under Section 2105-300 of the Department of
24 Financial and Professional Regulation (Professional
25 Regulation) Law of the Civil Administrative Code of Illinois.

26 Upon completion of any audit of the OBRE as prescribed by

1 the Illinois State Auditing Act, which includes an audit of the
2 Auction Regulation Administration Fund, the OBRE shall make the
3 audit open to inspection by any interested party.

4 (Source: P.A. 94-91, eff. 7-1-05.)

5 (Text of Section after amendment by P.A. 95-572)

6 (Section scheduled to be repealed on January 1, 2010)

7 Sec. 30-15. Auction Regulation Administration Fund. A
8 special fund to be known as the Auction Regulation
9 Administration Fund is created in the State Treasury. All fees
10 received by the Department under this Act shall be deposited
11 into the Auction Regulation Administration Fund. Subject to
12 appropriation, the moneys deposited into the Auction
13 Regulation Administration Fund shall be used by the Department
14 for the administration of this Act. Moneys in the Auction
15 Regulation Administration Fund may be invested and reinvested
16 in the same manner as authorized for pension funds in Article
17 14 of the Illinois Pension Code. All earnings, interest, and
18 dividends received from investment of funds in the Auction
19 Regulation Administration Fund shall be deposited into the
20 Auction Regulation Administration Fund and shall be used for
21 the same purposes as other moneys deposited in the Auction
22 Regulation Administration Fund.

23 This fund shall be created on July 1, 1999. The State
24 Treasurer shall cause a transfer of \$300,000 to the Auction
25 Regulation Administration Fund from the Real Estate License

1 Administration Fund on August 1, 1999. The State Treasurer
2 shall cause a transfer of \$200,000 on August 1, 2000 and a
3 transfer of \$100,000 on January 1, 2002 from the Auction
4 Regulation Administration Fund to the Real Estate License
5 Administration Fund, or if there is a sufficient fund balance
6 in the Auction Regulation Administration Fund to properly
7 administer this Act, the Department may recommend to the State
8 Treasurer to cause a transfer from the Auction Regulation
9 Administration Fund to the Real Estate License Administration
10 Fund on a date and in an amount which is accelerated, but not
11 less than set forth in this Section. In addition to the license
12 fees required under this Act, each initial applicant for
13 licensure under this Act shall pay to the Department an
14 additional \$100 for deposit into the Auction Regulation
15 Administration Fund for a period of 2 years or until such time
16 the original transfer amount to the Auction Regulation
17 Administration Fund from the Real Estate License
18 Administration Fund is repaid.

19 Moneys in the Auction Regulation Administration Fund may be
20 transferred to the Professions Indirect Cost Fund, as
21 authorized under Section 2105-300 of the Department of
22 Financial and Professional Regulation (Professional
23 Regulation) Law of the Civil Administrative Code of Illinois.

24 Upon completion of any audit of the Department as
25 prescribed by the Illinois State Auditing Act, which includes
26 an audit of the Auction Regulation Administration Fund, the

1 Department shall make the audit open to inspection by any
2 interested party.

3 (Source: P.A. 94-91, eff. 7-1-05; 95-572, eff. 6-1-08.)

4 Section 9630. The Barber, Cosmetology, Esthetics, and Nail
5 Technology Act of 1985 is amended by adding Section 1-1.5 as
6 follows:

7 (225 ILCS 410/1-1.5 new)

8 Sec. 1-1.5. References to Department or Director of
9 Professional Regulation. On and after the effective date of
10 this amendatory Act of the 95th General Assembly:

11 (1) References in this Act to the Department of
12 Professional Regulation or "the Department" mean the
13 Department of Financial and Professional Regulation.

14 (2) References in this Act to the Director of
15 Professional Regulation or "the Director" mean the
16 Secretary of Financial and Professional Regulation.

17 Section 9635. The Electrologist Licensing Act is amended by
18 adding Section 2 as follows:

19 (225 ILCS 412/2 new)

20 Sec. 2. References to Department or Director of
21 Professional Regulation. On and after the effective date of
22 this amendatory Act of the 95th General Assembly:

1 (1) References in this Act to the Department of
2 Professional Regulation or "the Department" mean the
3 Department of Financial and Professional Regulation.

4 (2) References in this Act to the Director of
5 Professional Regulation or "the Director" mean the
6 Secretary of Financial and Professional Regulation.

7 Section 9640. The Illinois Certified Shorthand Reporters
8 Act of 1984 is amended by adding Section 2.5 as follows:

9 (225 ILCS 415/2.5 new)

10 Sec. 2.5. References to Department or Director of
11 Professional Regulation. On and after the effective date of
12 this amendatory Act of the 95th General Assembly:

13 (1) References in this Act to the Department of
14 Professional Regulation or "the Department" mean the
15 Department of Financial and Professional Regulation.

16 (2) References in this Act to the Director of
17 Professional Regulation or "the Director" mean the
18 Secretary of Financial and Professional Regulation.

19 Section 9645. The Collection Agency Act is amended by
20 adding Section 1.5 and changing Section 17 as follows:

21 (225 ILCS 425/1.5 new)

22 Sec. 1.5. References to Department or Director of

1 Professional Regulation. On and after the effective date of
2 this amendatory Act of the 95th General Assembly:

3 (1) References in this Act to the Department of
4 Professional Regulation or "the Department" mean the
5 Department of Financial and Professional Regulation.

6 (2) References in this Act to the Director of
7 Professional Regulation or "the Director" mean the
8 Secretary of Financial and Professional Regulation.

9 (225 ILCS 425/17)

10 (Section scheduled to be repealed on January 1, 2016)

11 Sec. 17. Record of hearing. The Department, at its expense,
12 shall preserve a record of all proceedings at the formal
13 hearing of any case. The notice of hearing, complaint, and
14 other documents in the nature of pleadings and written motions
15 filed in the proceedings, the transcript of testimony, the
16 report of the Board, and orders of the Department shall be in
17 the record of the proceedings. The Department shall furnish a
18 transcript of the record to any person interested in the
19 hearing upon payment of the fee required under Section 2105-115
20 of the Department of Financial and Professional Regulation
21 (Professional Regulation) Law (20 ILCS 2105/2105-115).

22 (Source: P.A. 91-239, eff. 1-1-00.)

23 Section 9650. The Detection of Deception Examiners Act is
24 amended by adding Section 0.02 and changing Section 18 as

1 follows:

2 (225 ILCS 430/0.02 new)

3 Sec. 0.02. References to Department or Director of
4 Professional Regulation. On and after the effective date of
5 this amendatory Act of the 95th General Assembly:

6 (1) References in this Act to the Department of
7 Professional Regulation or "the Department" mean the
8 Department of Financial and Professional Regulation.

9 (2) References in this Act to the Director of
10 Professional Regulation or "the Director" mean the
11 Secretary of Financial and Professional Regulation.

12 (225 ILCS 430/18) (from Ch. 111, par. 2419)

13 (Section scheduled to be repealed on January 1, 2012)

14 Sec. 18. Stenographer; transcript; Hearing Officer report.
15 The Department, at its expense, shall provide a stenographer to
16 take down the testimony and preserve a record of all
17 proceedings at the hearing of any case involving the refusal to
18 issue or the suspension or revocation of a license. The notice
19 of hearing, complaint and all other documents in the nature of
20 pleadings and written motions filed in the proceedings, the
21 transcript of testimony, the report of the Hearing Officer and
22 orders of the Department shall be the records of the
23 proceedings. The Department shall furnish a transcript of the
24 record to any person or persons interested in the hearing upon

1 the payment of the fee required under Section 2105-115 of the
2 Department of Financial and Professional Regulation
3 (Professional Regulation) Law (20 ILCS 2105/2105-115).

4 At the conclusion of the hearing, the Hearing Officer shall
5 make findings of fact, conclusions of law, and recommendations,
6 separately stated, and submit them to the Director and to all
7 parties to the proceeding.

8 The Hearing Officer's findings of fact, conclusions of law,
9 and recommendations shall be served upon the licensee in a
10 similar fashion as service of the notice of formal charges.
11 Within 20 days after the service, any party to the proceeding
12 may present to the Director a motion, in writing, specifying
13 the particular grounds for a rehearing.

14 The Director, following the time allowed for filing a
15 motion for rehearing, shall review the Hearing Officer's
16 findings of fact, conclusions of law, and recommendations and
17 any subsequently filed motions. After review of the
18 information, the Director may hear oral arguments and
19 thereafter shall issue the order. The report of findings of
20 fact, conclusions of law, and recommendations of the Hearing
21 Officer shall be the basis for the Department's order. If the
22 Director finds that substantial justice was not done, the
23 Director may issue an order in contravention of the Hearing
24 Officer's recommendations. The Director shall promptly provide
25 a written explanation to all parties to the proceeding of any
26 disagreement with the Hearing Officer's recommendations.

1 (Source: P.A. 91-239, eff. 1-1-00; 92-453, eff. 8-21-01.)

2 Section 9655. The Home Inspector License Act is amended by
3 adding Section 1-2 and changing Section 25-5 as follows:

4 (225 ILCS 441/1-2 new)

5 Sec. 1-2. References to Office or Commissioner of Banks and
6 Real Estate. On and after the effective date of this amendatory
7 Act of the 95th General Assembly:

8 (1) References in this Act to the Office of Banks and
9 Real Estate, "the Office", or "OBRE" mean the Department of
10 Financial and Professional Regulation.

11 (2) References in this Act to the Commissioner of Banks
12 and Real Estate or "the Commissioner" mean the Secretary of
13 Financial and Professional Regulation.

14 (225 ILCS 441/25-5)

15 (Section scheduled to be repealed on January 1, 2012)

16 Sec. 25-5. Home Inspector Administration Fund; surcharge.

17 (a) The Home Inspector Administration Fund is created as a
18 special fund in the State Treasury. All fees, fines, and
19 penalties received by OBRE under this Act shall be deposited
20 into the Home Inspector Administration Fund. All earnings
21 attributable to investment of funds in the Home Inspector
22 Administration Fund shall be credited to the Home Inspector
23 Administration Fund. Subject to appropriation, the moneys in

1 the Home Inspector Administration Fund shall be appropriated to
2 OBRE for the expenses incurred by OBRE and the Board in the
3 administration of this Act.

4 (b) The State Comptroller and State Treasurer shall
5 transfer \$150,000 from the Real Estate License Administration
6 Fund to the Home Inspector Administration Fund on July 1, 2002.

7 The State Treasurer shall transfer \$50,000 from the Home
8 Inspector Administration Fund to the Real Estate License
9 Administration Fund on July 1, 2003, July 1, 2004, and July 1,
10 2005; except that if there is a sufficient fund balance in the
11 Home Inspector Administration Fund, the Commissioner may
12 recommend the acceleration of any of these repayment transfers
13 to the State Comptroller and State Treasurer, who may, in their
14 discretion, accelerate the transfers in accordance with the
15 Commissioner's recommendation.

16 (c) Until a total of \$150,000 has been transferred to the
17 Real Estate License Administration Fund from the Home Inspector
18 Administration Fund under subsection (b), each initial
19 applicant for a license under this Act shall pay to OBRE a
20 surcharge of \$150 in addition to the license fees otherwise
21 required under this Act.

22 (c-5) Moneys in the Home Inspection Administration Fund may
23 be transferred to the Professions Indirect Cost Fund, as
24 authorized under Section 2105-300 of the Department of
25 Financial and Professional Regulation (Professional
26 Regulation) Law of the Civil Administrative Code of Illinois.

1 (d) Upon the completion of any audit of OBRE, as prescribed
2 by the Illinois State Auditing Act, that includes an audit of
3 the Home Inspector Administration Fund, OBRE shall make the
4 audit report open to inspection by any interested person.
5 (Source: P.A. 94-91, eff. 7-1-05.)

6 Section 9660. The Private Detective, Private Alarm,
7 Private Security, and Locksmith Act of 2004 is amended by
8 adding Section 5-6 as follows:

9 (225 ILCS 447/5-6 new)

10 Sec. 5-6. References to Department or Director of
11 Professional Regulation. On and after the effective date of
12 this amendatory Act of the 95th General Assembly:

13 (1) References in this Act to the Department of
14 Professional Regulation or "the Department" mean the
15 Department of Financial and Professional Regulation.

16 (2) References in this Act to the Director of
17 Professional Regulation or "the Director" mean the
18 Secretary of Financial and Professional Regulation.

19 Section 9665. The Illinois Public Accounting Act is amended
20 by adding Section 0.01a and changing Section 32 as follows:

21 (225 ILCS 450/0.01a new)

22 Sec. 0.01a. References to Department or Director of

1 Professional Regulation. On and after the effective date of
2 this amendatory Act of the 95th General Assembly:

3 (1) References in this Act to the Department of
4 Professional Regulation or "the Department" mean the
5 Department of Financial and Professional Regulation.

6 (2) References in this Act to the Director of
7 Professional Regulation or "the Director" mean the
8 Secretary of Financial and Professional Regulation.

9 (225 ILCS 450/32) (from Ch. 111, par. 5537)

10 (Section scheduled to be repealed on January 1, 2014)

11 Sec. 32. All moneys received by the Department of
12 Professional Regulation under this Act shall be deposited into
13 the Registered Certified Public Accountants' Administration
14 and Disciplinary Fund, which is hereby created as a special
15 fund in the State Treasury. The funds in the account shall be
16 used by the Department, as appropriated, exclusively for
17 expenses of the Department of Professional Regulation, or the
18 Public Accountants' Registration Committee, in the
19 administration of this Act.

20 Moneys in the Registered Certified Public Accountants'
21 Administration and Disciplinary Fund may be invested and
22 reinvested, with all earnings received from the investments to
23 be deposited into the Registered Certified Public Accountants'
24 Administration and Disciplinary Fund.

25 Moneys from the Fund may also be used for direct and

1 allocable indirect costs related to the public purposes of the
2 Department of Professional Regulation. Moneys in the Fund may
3 be transferred to the Professions Indirect Cost Fund as
4 authorized by Section 2105-300 of the Department of Financial
5 and Professional Regulation (Professional Regulation) Law (20
6 ILCS 2105/2105-300).

7 (Source: P.A. 92-457, eff. 8-21-01; 93-683, eff. 7-2-04.)

8 Section 9670. The Real Estate License Act of 2000 is
9 amended by adding Section 1-2 and changing Sections 25-25,
10 25-30, and 25-37 as follows:

11 (225 ILCS 454/1-2 new)

12 Sec. 1-2. References to Office or Commissioner of Banks and
13 Real Estate. On and after the effective date of this amendatory
14 Act of the 95th General Assembly:

15 (1) References in this Act to the Office of Banks and
16 Real Estate, "the Office", or "OBRE" mean the Department of
17 Financial and Professional Regulation.

18 (2) References in this Act to the Commissioner of Banks
19 and Real Estate or "the Commissioner" mean the Secretary of
20 Financial and Professional Regulation.

21 (225 ILCS 454/25-25)

22 (Section scheduled to be repealed on January 1, 2010)

23 Sec. 25-25. Real Estate Research and Education Fund. A

1 special fund to be known as the Real Estate Research and
2 Education Fund is created and shall be held in trust in the
3 State Treasury. Annually, on September 15th, the State
4 Treasurer shall cause a transfer of \$125,000 to the Real Estate
5 Research and Education Fund from the Real Estate License
6 Administration Fund. The Real Estate Research and Education
7 Fund shall be administered by OBRE. Money deposited in the Real
8 Estate Research and Education Fund may be used for research and
9 education at state institutions of higher education or other
10 organizations for research and the advancement of education in
11 the real estate industry. Of the \$125,000 annually transferred
12 into the Real Estate Research and Education Fund, \$15,000 shall
13 be used to fund a scholarship program for persons of minority
14 racial origin who wish to pursue a course of study in the field
15 of real estate. For the purposes of this Section, "course of
16 study" means a course or courses that are part of a program of
17 courses in the field of real estate designed to further an
18 individual's knowledge or expertise in the field of real
19 estate. These courses shall include without limitation courses
20 that a salesperson licensed under this Act must complete to
21 qualify for a real estate broker's license, courses required to
22 obtain the Graduate Realtors Institute designation, and any
23 other courses or programs offered by accredited colleges,
24 universities, or other institutions of higher education in
25 Illinois. The scholarship program shall be administered by OBRE
26 or its designee. Moneys in the Real Estate Research and

1 Education Fund may be invested and reinvested in the same
2 manner as funds in the Real Estate Recovery Fund and all
3 earnings, interest, and dividends received from such
4 investments shall be deposited in the Real Estate Research and
5 Education Fund and may be used for the same purposes as moneys
6 transferred to the Real Estate Research and Education Fund.
7 Moneys in the Real Estate Research and Education Fund may be
8 transferred to the Professions Indirect Cost Fund as authorized
9 under Section 2105-300 of the Department of Financial and
10 Professional Regulation (Professional Regulation) Law of the
11 Civil Administrative Code of Illinois.

12 (Source: P.A. 94-91, eff. 7-1-05.)

13 (225 ILCS 454/25-30)

14 (Section scheduled to be repealed on January 1, 2010)

15 Sec. 25-30. Real Estate License Administration Fund;
16 audit. A special fund to be known as the Real Estate License
17 Administration Fund is created in the State Treasury. All fees
18 received by OBRE under this Act shall be deposited in the Real
19 Estate License Administration Fund. The moneys deposited in the
20 Real Estate License Administration Fund shall be appropriated
21 to OBRE for expenses of OBRE and the Board in the
22 administration of this Act and for the administration of any
23 Act administered by OBRE providing revenue to this Fund. Moneys
24 in the Real Estate License Administration Fund may be invested
25 and reinvested in the same manner as funds in the Real Estate

1 Recovery Fund. All earnings received from such investment shall
2 be deposited in the Real Estate License Administration Fund and
3 may be used for the same purposes as fees deposited in the Real
4 Estate License Administration Fund. Moneys in the Real Estate
5 License Administration Fund may be transferred to the
6 Professions Indirect Cost Fund as authorized under Section
7 2105-300 of the Department of Financial and Professional
8 Regulation (Professional Regulation) Law of the Civil
9 Administrative Code of Illinois. Upon the completion of any
10 audit of OBRE, as prescribed by the Illinois State Auditing
11 Act, which includes an audit of the Real Estate License
12 Administration Fund, OBRE shall make the audit open to
13 inspection by any interested person.

14 (Source: P.A. 94-91, eff. 7-1-05.)

15 (225 ILCS 454/25-37)

16 (Section scheduled to be repealed on January 1, 2010)

17 Sec. 25-37. Real Estate Audit Fund; audit of special
18 accounts; audit of fund.

19 (a) A special fund to be known as the Real Estate Audit
20 Fund is created in the State Treasury. The State Treasurer
21 shall cause a transfer of \$200,000 from the Real Estate License
22 Administration Fund to the Real Estate Audit Fund on January 1,
23 2002. If, at any time, the balance in the Real Estate Audit
24 Fund is less than \$25,000, the State Treasurer shall cause a
25 transfer of \$200,000 from the Real Estate License

1 Administration Fund to the Real Estate Audit Fund. The moneys
2 held in the Real Estate Audit Fund shall be used exclusively by
3 OBRE to conduct audits of special accounts of moneys belonging
4 to others held by a broker.

5 (b) Upon receipt of a complaint or evidence by OBRE
6 sufficient to cause OBRE to reasonably believe that funds
7 required to be maintained in a special account by a broker have
8 been misappropriated, the broker shall, within 30 days of
9 written notice, submit to an audit of all special accounts.
10 Such audit shall be performed by a licensed certified public
11 accountant, shall result in a written report by the accountant,
12 and shall specifically refer to the escrow and record-keeping
13 requirements of this Act and the rules adopted under this Act.
14 If it is found, pursuant to an order issued by the
15 Commissioner, that moneys required to be maintained in a
16 special account by a broker were misappropriated, as further
17 defined by rule, the broker shall reimburse OBRE, in addition
18 to any other discipline or civil penalty imposed, for the cost
19 of the audit performed pursuant to this Section. OBRE may file
20 in circuit court for a judgment to enforce the collection of
21 the reimbursement of the cost of such audit. Any reimbursement
22 collected by OBRE shall be deposited into the Real Estate Audit
23 Fund.

24 (c) Moneys in the Real Estate Audit Fund may be invested
25 and reinvested in the same manner as funds in the Real Estate
26 Recovery Fund. All earnings received from such investment shall

1 be deposited in the Real Estate Audit Fund and may be used for
2 the same purpose as other moneys deposited in the Real Estate
3 Audit Fund. Moneys in the Real Estate Audit Fund may be
4 transferred to the Professions Indirect Cost Fund as authorized
5 under Section 2105-300 of the Department of Financial and
6 Professional Regulation (Professional Regulation) Law of the
7 Civil Administrative Code of Illinois. Upon completion of any
8 audit of OBRE, prescribed by the Illinois State Auditing Act,
9 which includes an audit of the Real Estate Audit Fund, OBRE
10 shall make the audit open to inspection by any interested
11 person.

12 (Source: P.A. 94-91, eff. 7-1-05.)

13 Section 9675. The Real Estate Appraiser Licensing Act of
14 2002 is amended by adding Section 1-2 and by changing Section
15 25-5 as follows:

16 (225 ILCS 458/1-2 new)

17 Sec. 1-2. References to Office or Commissioner of Banks and
18 Real Estate. On and after the effective date of this amendatory
19 Act of the 95th General Assembly:

20 (1) References in this Act to the Office of Banks and
21 Real Estate, "the Office", or "OBRE" mean the Department of
22 Financial and Professional Regulation.

23 (2) References in this Act to the Commissioner of Banks
24 and Real Estate or "the Commissioner" mean the Secretary of

1 Financial and Professional Regulation.

2 (225 ILCS 458/25-5)

3 (Section scheduled to be repealed on January 1, 2012)

4 Sec. 25-5. Appraisal Administration Fund; surcharge. The
5 Appraisal Administration Fund is created as a special fund in
6 the State Treasury. All fees, fines, and penalties received by
7 OBRE under this Act shall be deposited into the Appraisal
8 Administration Fund. All earnings attributable to investment
9 of funds in the Appraisal Administration Fund shall be credited
10 to the Appraisal Administration Fund. Subject to
11 appropriation, the moneys in the Appraisal Administration Fund
12 shall be paid to OBRE for the expenses incurred by OBRE and the
13 Board in the administration of this Act. Moneys in the
14 Appraisal Administration Fund may be transferred to the
15 Professions Indirect Cost Fund as authorized under Section
16 2105-300 of the Department of Financial and Professional
17 Regulation (Professional Regulation) Law of the Civil
18 Administrative Code of Illinois.

19 Upon the completion of any audit of OBRE, as prescribed by
20 the Illinois State Auditing Act, which shall include an audit
21 of the Appraisal Administration Fund, OBRE shall make the audit
22 report open to inspection by any interested person.

23 (Source: P.A. 94-91, eff. 7-1-05.)

24 Section 9680. The Nurse Agency Licensing Act is amended by

1 changing Section 13 as follows:

2 (225 ILCS 510/13) (from Ch. 111, par. 963)

3 Sec. 13. Application for employment.

4 (a) Every nurse agency shall cause each applicant for
5 employment, assignment, or referral, as a nurse to complete an
6 application form including the following information:

7 (1) name and address of the applicant;

8 (2) whether or not such applicant is a nurse currently
9 licensed by the Department of Financial and Professional
10 Regulation or its predecessor, the Department of
11 Professional Regulation;

12 (3) if so licensed, the number and date of such
13 license; and

14 (4) references and dates and places of previous
15 employment.

16 Prior to employing, assigning, or referring a nurse, the
17 agency shall contact the Department of Financial and
18 Professional Regulation to determine whether the nurse's
19 license is valid and in good standing. Written verification
20 shall be sent by the Department of Financial and Professional
21 Regulation within 20 working days. At least biennially
22 thereafter, the agency shall contact the Department of
23 Financial and Professional Regulation to verify this
24 information in writing. The nurse agency shall review the
25 disciplinary report published by the Department of Financial

1 and Professional Regulation on a monthly basis to determine
2 whether the nurse's license is valid and in good standing.

3 (b) Every nurse agency shall cause each applicant for
4 employment, assignment, or referral, as a certified nurse aide
5 to complete an application form including the following
6 information:

7 (1) name and address of the applicant;

8 (2) whether or not the nurse aide is registered as
9 having completed a certified course as approved by the
10 Department of Public Health;

11 (3) references and dates and places of previous
12 employment.

13 Prior to employing, assigning or referring a certified
14 nurse aide, the agency shall contact the Department of Public
15 Health to determine whether the certification is valid and that
16 the certified nurse aide is not listed on the abuse register.
17 Written verification shall be sent by the Department of Public
18 Health within 20 working days.

19 (c) Every nurse agency shall check at least 2 recent
20 references and the dates of employment provided by the
21 applicant, unless the applicant has not had 2 previous
22 employers.

23 (d) Nurses or certified nurses aides employed, assigned, or
24 referred to a health care facility by a nurse agency shall be
25 deemed to be employees of the nurse agency while working for
26 the nurse agency or on nurse agency employment, assignment or

1 referral.

2 (Source: P.A. 86-817; 86-1043.)

3 Section 9685. The Professional Geologist Licensing Act is
4 amended by adding Section 2 and changing Section 95 as follows:

5 (225 ILCS 745/2 new)

6 Sec. 2. References to Department or Director of
7 Professional Regulation. On and after the effective date of
8 this amendatory Act of the 95th General Assembly:

9 (1) References in this Act to the Department of
10 Professional Regulation or "the Department" mean the
11 Department of Financial and Professional Regulation.

12 (2) References in this Act to the Director of
13 Professional Regulation or "the Director" mean the
14 Secretary of Financial and Professional Regulation.

15 (225 ILCS 745/95)

16 (Section scheduled to be repealed on January 1, 2016)

17 Sec. 95. Record of proceedings; transcript. The
18 Department, at its expense, shall preserve a record of all
19 proceedings at the formal hearing of any case. The notice of
20 hearing, complaint, all other documents in the nature of
21 pleadings, written motions filed in the proceedings, the
22 transcripts of testimony, the report of the Board, and orders
23 of the Department shall be in the record of the proceeding. The

1 Department shall furnish a transcript of such record to any
2 person interested in such hearing upon payment of the fee
3 required under Section 2105-115 of the Department of Financial
4 and Professional Regulation (Professional Regulation) Law (20
5 ILCS 2105/2105-115).

6 (Source: P.A. 91-239, eff. 1-1-00.)

7 Section 9690. The Safety Deposit License Act is amended by
8 adding Section 0.02 as follows:

9 (240 ILCS 5/0.02 new)

10 Sec. 0.02. References to Department or Director of
11 Financial Institutions. On and after the effective date of this
12 amendatory Act of the 95th General Assembly:

13 (1) References in this Act to the Department of
14 Financial Institutions or "the Department" mean the
15 Department of Financial and Professional Regulation.

16 (2) References in this Act to the Director of Financial
17 Institutions or "the Director" mean the Secretary of
18 Financial and Professional Regulation.

19 Section 9695. The Grain Code is amended by changing Section
20 30-5 as follows:

21 (240 ILCS 40/30-5)

22 Sec. 30-5. Illinois Grain Insurance Corporation.

1 (a) The Corporation is a political subdivision, body
2 politic, and public corporation. The governing powers of the
3 Corporation are vested in the Board of Directors composed of
4 the Director, who shall personally serve as president; the
5 Attorney General or his or her designee, who shall serve as
6 secretary; the State Treasurer or his or her designee, who
7 shall serve as treasurer; the Secretary of Financial and
8 Professional Regulation ~~Director of the Department of~~
9 ~~Insurance~~ or his or her designee; and the chief fiscal officer
10 of the Department. Three members of the Board constitute a
11 quorum at any meeting of the Board, and the affirmative vote of
12 3 members is necessary for any action taken by the Board at a
13 meeting, except that a lesser number may adjourn a meeting from
14 time to time. A vacancy in the membership of the Board does not
15 impair the right of a quorum to exercise all the rights and
16 perform all the duties of the Board and Corporation.

17 (b) The Corporation has the following powers, together with
18 all powers incidental or necessary to the discharge of those
19 powers in corporate form:

20 (1) To have perpetual succession by its corporate name
21 as a corporate body.

22 (2) To adopt, alter, and repeal bylaws, not
23 inconsistent with the provisions of this Code, for the
24 regulation and conduct of its affairs and business.

25 (3) To adopt and make use of a corporate seal and to
26 alter the seal at pleasure.

1 (4) To avail itself of the use of information,
2 services, facilities, and employees of the State of
3 Illinois in carrying out the provisions of this Code.

4 (5) To receive funds, printer registration fees, and
5 penalties assessed by the Department under this Code.

6 (6) To administer the Fund by investing funds of the
7 Corporation that the Board may determine are not presently
8 needed for its corporate purposes.

9 (7) To receive funds from the Trust Account for deposit
10 into the Fund.

11 (8) Upon the request of the Director, to make payment
12 from the Fund and the Reserve Fund to the Trust Account
13 when payment is necessary to compensate claimants in
14 accordance with the provisions of Section 25-20 or for
15 payment of refunds to licensees in accordance with the
16 provisions of this Code.

17 (9) To authorize, receive, and disburse funds by
18 electronic means.

19 (10) To make any inquiry and investigation deemed
20 appropriate with regard to the failure of any licensee,
21 including but not limited to analyzing the causes of and
22 reasons for the failure; determining the adequacy and
23 accuracy of Department examinations and other regulatory
24 measures with regard to the failed licensee; and analyzing
25 whether the handling of the liquidation and payment process
26 by the Department was done in a manner that served the

1 interests of those persons whose interests this Code was
2 designed to protect.

3 (11) To have those powers that are necessary or
4 appropriate for the exercise of the powers specifically
5 conferred upon the Corporation and all incidental powers
6 that are customary in corporations.

7 (12) To make payments from the Fund to the Asset
8 Preservation Account in accordance with Section 20-20(e)
9 of this Code.

10 (c) A committee of advisors shall be created to provide
11 technical assistance and advice and make recommendations to the
12 Board. The advisory committee shall assist the board in
13 understanding pertinent developments in grain production and
14 marketing and the grain industry. The advisory committee shall
15 be composed of one grain producer designated by the Illinois
16 Farm Bureau; one grain producer designated by the Illinois
17 Farmers Union; one grain producer designated by the Illinois
18 Corn Growers Association; one grain producer designated by the
19 Illinois Soybean Association; 2 representatives of the grain
20 industry, designated by the Grain and Feed Association of
21 Illinois; and 2 representatives of the lending industry, one
22 each designated by the Illinois Bankers Association and the
23 Community Bankers of Illinois. Members of the advisory
24 committee shall serve terms of 2 years from the date of their
25 designation. Members of the advisory committee shall have the
26 right to attend all meetings of the Board and participate in

1 Board discussions, but shall not have a vote.

2 (Source: P.A. 93-225, eff. 7-21-03; 94-54, eff. 1-1-06.)

3 Section 9700. The Illinois Public Aid Code is amended by
4 changing Sections 5-11, 8A-7.1, and 12-13.1 as follows:

5 (305 ILCS 5/5-11) (from Ch. 23, par. 5-11)

6 Sec. 5-11. Co-operative arrangements; contracts with other
7 State agencies, health care and rehabilitation organizations,
8 and fiscal intermediaries.

9 (a) The Illinois Department may enter into co-operative
10 arrangements with State agencies responsible for administering
11 or supervising the administration of health services and
12 vocational rehabilitation services to the end that there may be
13 maximum utilization of such services in the provision of
14 medical assistance.

15 The Illinois Department shall, not later than June 30,
16 1993, enter into one or more co-operative arrangements with the
17 Department of Mental Health and Developmental Disabilities
18 providing that the Department of Mental Health and
19 Developmental Disabilities will be responsible for
20 administering or supervising all programs for services to
21 persons in community care facilities for persons with
22 developmental disabilities, including but not limited to
23 intermediate care facilities, that are supported by State funds
24 or by funding under Title XIX of the federal Social Security

1 Act. The responsibilities of the Department of Mental Health
2 and Developmental Disabilities under these agreements are
3 transferred to the Department of Human Services as provided in
4 the Department of Human Services Act.

5 The Department may also contract with such State health and
6 rehabilitation agencies and other public or private health care
7 and rehabilitation organizations to act for it in supplying
8 designated medical services to persons eligible therefor under
9 this Article. Any contracts with health services or health
10 maintenance organizations shall be restricted to organizations
11 which have been certified as being in compliance with standards
12 promulgated pursuant to the laws of this State governing the
13 establishment and operation of health services or health
14 maintenance organizations. The Department shall renegotiate
15 the contracts with health maintenance organizations and
16 managed care community networks that took effect August 1,
17 2003, so as to produce \$70,000,000 savings to the Department
18 net of resulting increases to the fee-for-service program for
19 State fiscal year 2006. The Department may also contract with
20 insurance companies or other corporate entities serving as
21 fiscal intermediaries in this State for the Federal Government
22 in respect to Medicare payments under Title XVIII of the
23 Federal Social Security Act to act for the Department in paying
24 medical care suppliers. The provisions of Section 9 of "An Act
25 in relation to State finance", approved June 10, 1919, as
26 amended, notwithstanding, such contracts with State agencies,

1 other health care and rehabilitation organizations, or fiscal
2 intermediaries may provide for advance payments.

3 (b) For purposes of this subsection (b), "managed care
4 community network" means an entity, other than a health
5 maintenance organization, that is owned, operated, or governed
6 by providers of health care services within this State and that
7 provides or arranges primary, secondary, and tertiary managed
8 health care services under contract with the Illinois
9 Department exclusively to persons participating in programs
10 administered by the Illinois Department.

11 The Illinois Department may certify managed care community
12 networks, including managed care community networks owned,
13 operated, managed, or governed by State-funded medical
14 schools, as risk-bearing entities eligible to contract with the
15 Illinois Department as Medicaid managed care organizations.
16 The Illinois Department may contract with those managed care
17 community networks to furnish health care services to or
18 arrange those services for individuals participating in
19 programs administered by the Illinois Department. The rates for
20 those provider-sponsored organizations may be determined on a
21 prepaid, capitated basis. A managed care community network may
22 choose to contract with the Illinois Department to provide only
23 pediatric health care services. The Illinois Department shall
24 by rule adopt the criteria, standards, and procedures by which
25 a managed care community network may be permitted to contract
26 with the Illinois Department and shall consult with the

1 Department of Financial and Professional Regulation ~~Insurance~~
2 in adopting these rules.

3 A county provider as defined in Section 15-1 of this Code
4 may contract with the Illinois Department to provide primary,
5 secondary, or tertiary managed health care services as a
6 managed care community network without the need to establish a
7 separate entity and shall be deemed a managed care community
8 network for purposes of this Code only to the extent it
9 provides services to participating individuals. A county
10 provider is entitled to contract with the Illinois Department
11 with respect to any contracting region located in whole or in
12 part within the county. A county provider is not required to
13 accept enrollees who do not reside within the county.

14 In order to (i) accelerate and facilitate the development
15 of integrated health care in contracting areas outside counties
16 with populations in excess of 3,000,000 and counties adjacent
17 to those counties and (ii) maintain and sustain the high
18 quality of education and residency programs coordinated and
19 associated with local area hospitals, the Illinois Department
20 may develop and implement a demonstration program from managed
21 care community networks owned, operated, managed, or governed
22 by State-funded medical schools. The Illinois Department shall
23 prescribe by rule the criteria, standards, and procedures for
24 effecting this demonstration program.

25 A managed care community network that contracts with the
26 Illinois Department to furnish health care services to or

1 arrange those services for enrollees participating in programs
2 administered by the Illinois Department shall do all of the
3 following:

4 (1) Provide that any provider affiliated with the
5 managed care community network may also provide services on
6 a fee-for-service basis to Illinois Department clients not
7 enrolled in such managed care entities.

8 (2) Provide client education services as determined
9 and approved by the Illinois Department, including but not
10 limited to (i) education regarding appropriate utilization
11 of health care services in a managed care system, (ii)
12 written disclosure of treatment policies and restrictions
13 or limitations on health services, including, but not
14 limited to, physical services, clinical laboratory tests,
15 hospital and surgical procedures, prescription drugs and
16 biologics, and radiological examinations, and (iii)
17 written notice that the enrollee may receive from another
18 provider those covered services that are not provided by
19 the managed care community network.

20 (3) Provide that enrollees within the system may choose
21 the site for provision of services and the panel of health
22 care providers.

23 (4) Not discriminate in enrollment or disenrollment
24 practices among recipients of medical services or
25 enrollees based on health status.

26 (5) Provide a quality assurance and utilization review

1 program that meets the requirements established by the
2 Illinois Department in rules that incorporate those
3 standards set forth in the Health Maintenance Organization
4 Act.

5 (6) Issue a managed care community network
6 identification card to each enrollee upon enrollment. The
7 card must contain all of the following:

8 (A) The enrollee's health plan.

9 (B) The name and telephone number of the enrollee's
10 primary care physician or the site for receiving
11 primary care services.

12 (C) A telephone number to be used to confirm
13 eligibility for benefits and authorization for
14 services that is available 24 hours per day, 7 days per
15 week.

16 (7) Ensure that every primary care physician and
17 pharmacy in the managed care community network meets the
18 standards established by the Illinois Department for
19 accessibility and quality of care. The Illinois Department
20 shall arrange for and oversee an evaluation of the
21 standards established under this paragraph (7) and may
22 recommend any necessary changes to these standards.

23 (8) Provide a procedure for handling complaints that
24 meets the requirements established by the Illinois
25 Department in rules that incorporate those standards set
26 forth in the Health Maintenance Organization Act.

1 (9) Maintain, retain, and make available to the
2 Illinois Department records, data, and information, in a
3 uniform manner determined by the Illinois Department,
4 sufficient for the Illinois Department to monitor
5 utilization, accessibility, and quality of care.

6 (10) Provide that the pharmacy formulary used by the
7 managed care community network and its contract providers
8 be no more restrictive than the Illinois Department's
9 pharmaceutical program on the effective date of this
10 amendatory Act of 1998 and as amended after that date.

11 The Illinois Department shall contract with an entity or
12 entities to provide external peer-based quality assurance
13 review for the managed health care programs administered by the
14 Illinois Department. The entity shall be representative of
15 Illinois physicians licensed to practice medicine in all its
16 branches and have statewide geographic representation in all
17 specialities of medical care that are provided in managed
18 health care programs administered by the Illinois Department.
19 The entity may not be a third party payer and shall maintain
20 offices in locations around the State in order to provide
21 service and continuing medical education to physician
22 participants within those managed health care programs
23 administered by the Illinois Department. The review process
24 shall be developed and conducted by Illinois physicians
25 licensed to practice medicine in all its branches. In
26 consultation with the entity, the Illinois Department may

1 contract with other entities for professional peer-based
2 quality assurance review of individual categories of services
3 other than services provided, supervised, or coordinated by
4 physicians licensed to practice medicine in all its branches.
5 The Illinois Department shall establish, by rule, criteria to
6 avoid conflicts of interest in the conduct of quality assurance
7 activities consistent with professional peer-review standards.
8 All quality assurance activities shall be coordinated by the
9 Illinois Department.

10 Each managed care community network must demonstrate its
11 ability to bear the financial risk of serving individuals under
12 this program. The Illinois Department shall by rule adopt
13 standards for assessing the solvency and financial soundness of
14 each managed care community network. Any solvency and financial
15 standards adopted for managed care community networks shall be
16 no more restrictive than the solvency and financial standards
17 adopted under Section 1856(a) of the Social Security Act for
18 provider-sponsored organizations under Part C of Title XVIII of
19 the Social Security Act.

20 The Illinois Department may implement the amendatory
21 changes to this Code made by this amendatory Act of 1998
22 through the use of emergency rules in accordance with Section
23 5-45 of the Illinois Administrative Procedure Act. For purposes
24 of that Act, the adoption of rules to implement these changes
25 is deemed an emergency and necessary for the public interest,
26 safety, and welfare.

1 (c) Not later than June 30, 1996, the Illinois Department
2 shall enter into one or more cooperative arrangements with the
3 Department of Public Health for the purpose of developing a
4 single survey for nursing facilities, including but not limited
5 to facilities funded under Title XVIII or Title XIX of the
6 federal Social Security Act or both, which shall be
7 administered and conducted solely by the Department of Public
8 Health. The Departments shall test the single survey process on
9 a pilot basis, with both the Departments of Public Aid and
10 Public Health represented on the consolidated survey team. The
11 pilot will sunset June 30, 1997. After June 30, 1997, unless
12 otherwise determined by the Governor, a single survey shall be
13 implemented by the Department of Public Health which would not
14 preclude staff from the Department of Healthcare and Family
15 Services (formerly Department of Public Aid) from going on-site
16 to nursing facilities to perform necessary audits and reviews
17 which shall not replicate the single State agency survey
18 required by this Act. This Section shall not apply to community
19 or intermediate care facilities for persons with developmental
20 disabilities.

21 (d) Nothing in this Code in any way limits or otherwise
22 impairs the authority or power of the Illinois Department to
23 enter into a negotiated contract pursuant to this Section with
24 a managed care community network or a health maintenance
25 organization, as defined in the Health Maintenance
26 Organization Act, that provides for termination or nonrenewal

1 of the contract without cause, upon notice as provided in the
2 contract, and without a hearing.

3 (Source: P.A. 94-48, eff. 7-1-05; 95-331, eff. 8-21-07.)

4 (305 ILCS 5/8A-7.1) (from Ch. 23, par. 8A-7.1)

5 Sec. 8A-7.1. The Director, upon making a determination
6 based upon information in the possession of the Illinois
7 Department, that continuation in practice of a licensed health
8 care professional would constitute an immediate danger to the
9 public, shall submit a written communication to the Secretary
10 ~~Director~~ of Financial and Professional Regulation indicating
11 such determination and additionally providing a complete
12 summary of the information upon which such determination is
13 based, and recommending that the Secretary ~~Director~~ of
14 ~~Professional Regulation~~ immediately suspend such person's
15 license. All relevant evidence, or copies thereof, in the
16 Illinois Department's possession may also be submitted in
17 conjunction with the written communication. A copy of such
18 written communication, which is exempt from the copying and
19 inspection provisions of the Freedom of Information Act, shall
20 at the time of submittal to the Secretary ~~Director~~ of
21 ~~Professional Regulation~~ be simultaneously mailed to the last
22 known business address of such licensed health care
23 professional by certified or registered postage, United States
24 Mail, return receipt requested. Any evidence, or copies
25 thereof, which is submitted in conjunction with the written

1 communication is also exempt from the copying and inspection
2 provisions of the Freedom of Information Act.

3 The Director, upon making a determination based upon
4 information in the possession of the Illinois Department, that
5 a licensed health care professional is willfully committing
6 fraud upon the Illinois Department's medical assistance
7 program, shall submit a written communication to the Secretary
8 ~~Director~~ of Financial and Professional Regulation indicating
9 such determination and additionally providing a complete
10 summary of the information upon which such determination is
11 based. All relevant evidence, or copies thereof, in the
12 Illinois Department's possession may also be submitted in
13 conjunction with the written communication.

14 Upon receipt of such written communication, the Secretary
15 ~~Director~~ of Financial and Professional Regulation shall
16 promptly investigate the allegations contained in such written
17 communication. A copy of such written communication, which is
18 exempt from the copying and inspection provisions of the
19 Freedom of Information Act, shall at the time of submission to
20 the Secretary ~~Director of Professional Regulation~~, be
21 simultaneously mailed to the last known address of such
22 licensed health care professional by certified or registered
23 postage, United States Mail, return receipt requested. Any
24 evidence, or copies thereof, which is submitted in conjunction
25 with the written communication is also exempt from the copying
26 and inspection provisions of the Freedom of Information Act.

1 For the purposes of this Section, "licensed health care
2 professional" means any person licensed under the Illinois
3 Dental Practice Act, the Nurse Practice Act, the Medical
4 Practice Act of 1987, the Pharmacy Practice Act, the Podiatric
5 Medical Practice Act of 1987, or the Illinois Optometric
6 Practice Act of 1987.

7 (Source: P.A. 95-639, eff. 10-5-07; 95-689, eff. 10-29-07;
8 revised 11-15-07.)

9 (305 ILCS 5/12-13.1)

10 Sec. 12-13.1. Inspector General.

11 (a) The Governor shall appoint, and the Senate shall
12 confirm, an Inspector General who shall function within the
13 Illinois Department of Public Aid (now Healthcare and Family
14 Services) and report to the Governor. The term of the Inspector
15 General shall expire on the third Monday of January, 1997 and
16 every 4 years thereafter.

17 (b) In order to prevent, detect, and eliminate fraud,
18 waste, abuse, mismanagement, and misconduct, the Inspector
19 General shall oversee the Department of Healthcare and Family
20 Services' integrity functions, which include, but are not
21 limited to, the following:

22 (1) Investigation of misconduct by employees, vendors,
23 contractors and medical providers.

24 (2) Audits of medical providers related to ensuring
25 that appropriate payments are made for services rendered

1 and to the recovery of overpayments.

2 (3) Monitoring of quality assurance programs generally
3 related to the medical assistance program and specifically
4 related to any managed care program.

5 (4) Quality control measurements of the programs
6 administered by the Department of Healthcare and Family
7 Services.

8 (5) Investigations of fraud or intentional program
9 violations committed by clients of the Department of
10 Healthcare and Family Services.

11 (6) Actions initiated against contractors or medical
12 providers for any of the following reasons:

13 (A) Violations of the medical assistance program.

14 (B) Sanctions against providers brought in
15 conjunction with the Department of Public Health or the
16 Department of Human Services (as successor to the
17 Department of Mental Health and Developmental
18 Disabilities).

19 (C) Recoveries of assessments against hospitals
20 and long-term care facilities.

21 (D) Sanctions mandated by the United States
22 Department of Health and Human Services against
23 medical providers.

24 (E) Violations of contracts related to any managed
25 care programs.

26 (7) Representation of the Department of Healthcare and

1 Family Services at hearings with the Department of
2 Professional Regulation, as the successor of the Illinois
3 Department of Professional Regulation, in actions taken
4 against professional licenses held by persons who are in
5 violation of orders for child support payments.

6 (b-5) At the request of the Secretary of Human Services,
7 the Inspector General shall, in relation to any function
8 performed by the Department of Human Services as successor to
9 the Department of Public Aid, exercise one or more of the
10 powers provided under this Section as if those powers related
11 to the Department of Human Services; in such matters, the
12 Inspector General shall report his or her findings to the
13 Secretary of Human Services.

14 (c) The Inspector General shall have access to all
15 information, personnel and facilities of the Department of
16 Healthcare and Family Services and the Department of Human
17 Services (as successor to the Department of Public Aid), their
18 employees, vendors, contractors and medical providers and any
19 federal, State or local governmental agency that are necessary
20 to perform the duties of the Office as directly related to
21 public assistance programs administered by those departments.
22 No medical provider shall be compelled, however, to provide
23 individual medical records of patients who are not clients of
24 the Medical Assistance Program. State and local governmental
25 agencies are authorized and directed to provide the requested
26 information, assistance or cooperation.

1 (d) The Inspector General shall serve as the Department of
2 Healthcare and Family Services' primary liaison with law
3 enforcement, investigatory and prosecutorial agencies,
4 including but not limited to the following:

5 (1) The Department of State Police.

6 (2) The Federal Bureau of Investigation and other
7 federal law enforcement agencies.

8 (3) The various Inspectors General of federal agencies
9 overseeing the programs administered by the Department of
10 Healthcare and Family Services.

11 (4) The various Inspectors General of any other State
12 agencies with responsibilities for portions of programs
13 primarily administered by the Department of Healthcare and
14 Family Services.

15 (5) The Offices of the several United States Attorneys
16 in Illinois.

17 (6) The several State's Attorneys.

18 The Inspector General shall meet on a regular basis with
19 these entities to share information regarding possible
20 misconduct by any persons or entities involved with the public
21 aid programs administered by the Department of Healthcare and
22 Family Services.

23 (e) All investigations conducted by the Inspector General
24 shall be conducted in a manner that ensures the preservation of
25 evidence for use in criminal prosecutions. If the Inspector
26 General determines that a possible criminal act relating to

1 fraud in the provision or administration of the medical
2 assistance program has been committed, the Inspector General
3 shall immediately notify the Medicaid Fraud Control Unit. If
4 the Inspector General determines that a possible criminal act
5 has been committed within the jurisdiction of the Office, the
6 Inspector General may request the special expertise of the
7 Department of State Police. The Inspector General may present
8 for prosecution the findings of any criminal investigation to
9 the Office of the Attorney General, the Offices of the several
10 United States Attorneys in Illinois or the several State's
11 Attorneys.

12 (f) To carry out his or her duties as described in this
13 Section, the Inspector General and his or her designees shall
14 have the power to compel by subpoena the attendance and
15 testimony of witnesses and the production of books, electronic
16 records and papers as directly related to public assistance
17 programs administered by the Department of Healthcare and
18 Family Services or the Department of Human Services (as
19 successor to the Department of Public Aid). No medical provider
20 shall be compelled, however, to provide individual medical
21 records of patients who are not clients of the Medical
22 Assistance Program.

23 (g) The Inspector General shall report all convictions,
24 terminations, and suspensions taken against vendors,
25 contractors and medical providers to the Department of
26 Healthcare and Family Services and to any agency responsible

1 for licensing or regulating those persons or entities.

2 (h) The Inspector General shall make annual reports,
3 findings, and recommendations regarding the Office's
4 investigations into reports of fraud, waste, abuse,
5 mismanagement, or misconduct relating to any public aid
6 programs administered by the Department of Healthcare and
7 Family Services or the Department of Human Services (as
8 successor to the Department of Public Aid) to the General
9 Assembly and the Governor. These reports shall include, but not
10 be limited to, the following information:

11 (1) Aggregate provider billing and payment
12 information, including the number of providers at various
13 Medicaid earning levels.

14 (2) The number of audits of the medical assistance
15 program and the dollar savings resulting from those audits.

16 (3) The number of prescriptions rejected annually
17 under the Department of Healthcare and Family Services'
18 Refill Too Soon program and the dollar savings resulting
19 from that program.

20 (4) Provider sanctions, in the aggregate, including
21 terminations and suspensions.

22 (5) A detailed summary of the investigations
23 undertaken in the previous fiscal year. These summaries
24 shall comply with all laws and rules regarding maintaining
25 confidentiality in the public aid programs.

26 (i) Nothing in this Section shall limit investigations by

1 the Department of Healthcare and Family Services or the
2 Department of Human Services that may otherwise be required by
3 law or that may be necessary in their capacity as the central
4 administrative authorities responsible for administration of
5 public aid programs in this State.

6 (Source: P.A. 95-331, eff. 8-21-07.)

7 Section 9705. The Elder Abuse and Neglect Act is amended by
8 changing Sections 4 and 8 as follows:

9 (320 ILCS 20/4) (from Ch. 23, par. 6604)

10 Sec. 4. Reports of abuse or neglect.

11 (a) Any person who suspects the abuse, neglect, financial
12 exploitation, or self-neglect of an eligible adult may report
13 this suspicion to an agency designated to receive such reports
14 under this Act or to the Department.

15 (a-5) If any mandated reporter has reason to believe that
16 an eligible adult, who because of dysfunction is unable to seek
17 assistance for himself or herself, has, within the previous 12
18 months, been subjected to abuse, neglect, or financial
19 exploitation, the mandated reporter shall, within 24 hours
20 after developing such belief, report this suspicion to an
21 agency designated to receive such reports under this Act or to
22 the Department. Whenever a mandated reporter is required to
23 report under this Act in his or her capacity as a member of the
24 staff of a medical or other public or private institution,

1 facility, board and care home, or agency, he or she shall make
2 a report to an agency designated to receive such reports under
3 this Act or to the Department in accordance with the provisions
4 of this Act and may also notify the person in charge of the
5 institution, facility, board and care home, or agency or his or
6 her designated agent that the report has been made. Under no
7 circumstances shall any person in charge of such institution,
8 facility, board and care home, or agency, or his or her
9 designated agent to whom the notification has been made,
10 exercise any control, restraint, modification, or other change
11 in the report or the forwarding of the report to an agency
12 designated to receive such reports under this Act or to the
13 Department. The privileged quality of communication between
14 any professional person required to report and his or her
15 patient or client shall not apply to situations involving
16 abused, neglected, or financially exploited eligible adults
17 and shall not constitute grounds for failure to report as
18 required by this Act.

19 (a-7) A person making a report under this Act in the belief
20 that it is in the alleged victim's best interest shall be
21 immune from criminal or civil liability or professional
22 disciplinary action on account of making the report,
23 notwithstanding any requirements concerning the
24 confidentiality of information with respect to such eligible
25 adult which might otherwise be applicable.

26 (a-9) Law enforcement officers shall continue to report

1 incidents of alleged abuse pursuant to the Illinois Domestic
2 Violence Act of 1986, notwithstanding any requirements under
3 this Act.

4 (b) Any person, institution or agency participating in the
5 making of a report, providing information or records related to
6 a report, assessment, or services, or participating in the
7 investigation of a report under this Act in good faith, or
8 taking photographs or x-rays as a result of an authorized
9 assessment, shall have immunity from any civil, criminal or
10 other liability in any civil, criminal or other proceeding
11 brought in consequence of making such report or assessment or
12 on account of submitting or otherwise disclosing such
13 photographs or x-rays to any agency designated to receive
14 reports of alleged or suspected abuse or neglect. Any person,
15 institution or agency authorized by the Department to provide
16 assessment, intervention, or administrative services under
17 this Act shall, in the good faith performance of those
18 services, have immunity from any civil, criminal or other
19 liability in any civil, criminal, or other proceeding brought
20 as a consequence of the performance of those services. For the
21 purposes of any civil, criminal, or other proceeding, the good
22 faith of any person required to report, permitted to report, or
23 participating in an investigation of a report of alleged or
24 suspected abuse, neglect, or financial exploitation shall be
25 presumed.

26 (c) The identity of a person making a report of alleged or

1 suspected abuse or neglect under this Act may be disclosed by
2 the Department or other agency provided for in this Act only
3 with such person's written consent or by court order.

4 (d) The Department shall by rule establish a system for
5 filing and compiling reports made under this Act.

6 (e) Any physician who willfully fails to report as required
7 by this Act shall be referred to the Illinois State Medical
8 Disciplinary Board for action in accordance with subdivision
9 (A) (22) of Section 22 of the Medical Practice Act of 1987. Any
10 dentist or dental hygienist who willfully fails to report as
11 required by this Act shall be referred to the Department of
12 Financial and Professional Regulation for action in accordance
13 with paragraph 19 of Section 23 of the Illinois Dental Practice
14 Act. Any other mandated reporter required by this Act to report
15 suspected abuse, neglect, or financial exploitation who
16 willfully fails to report the same is guilty of a Class A
17 misdemeanor.

18 (Source: P.A. 93-300, eff. 1-1-04; 93-301, eff. 1-1-04;
19 94-1064, eff. 1-1-07.)

20 (320 ILCS 20/8) (from Ch. 23, par. 6608)

21 Sec. 8. Access to records. All records concerning reports
22 of elder abuse, neglect, financial exploitation, or
23 self-neglect and all records generated as a result of such
24 reports shall be confidential and shall not be disclosed except
25 as specifically authorized by this Act or other applicable law.

1 In accord with established law and Department protocols,
2 procedures, and policies, access to such records, but not
3 access to the identity of the person or persons making a report
4 of alleged abuse, neglect, financial exploitation, or
5 self-neglect as contained in such records, shall be provided,
6 upon request, to the following persons and for the following
7 persons:

8 (1) Department staff, provider agency staff, other
9 aging network staff, and regional administrative agency
10 staff, including staff of the Chicago Department on Aging
11 while that agency is designated as a regional
12 administrative agency, in the furtherance of their
13 responsibilities under this Act;

14 (2) A law enforcement agency investigating known or
15 suspected elder abuse, neglect, financial exploitation, or
16 self-neglect. Where a provider agency has reason to believe
17 that the death of an eligible adult may be the result of
18 abuse or neglect, the agency shall immediately provide the
19 appropriate law enforcement agency with all records
20 pertaining to the eligible adult;

21 (3) A physician who has before him or her or who is
22 involved in the treatment of an eligible adult whom he or
23 she reasonably suspects may be abused, neglected,
24 financially exploited, or self-neglected or who has been
25 referred to the Elder Abuse and Neglect Program;

26 (4) An eligible adult reported to be abused, neglected,

1 financially exploited, or self-neglected, or such adult's
2 guardian unless such guardian is the abuser or the alleged
3 abuser;

4 (5) In cases regarding elder abuse, neglect, or
5 financial exploitation, a court or a guardian ad litem,
6 upon its or his or her finding that access to such records
7 may be necessary for the determination of an issue before
8 the court. However, such access shall be limited to an in
9 camera inspection of the records, unless the court
10 determines that disclosure of the information contained
11 therein is necessary for the resolution of an issue then
12 pending before it;

13 (5.5) In cases regarding self-neglect, a guardian ad
14 litem;

15 (6) A grand jury, upon its determination that access to
16 such records is necessary in the conduct of its official
17 business;

18 (7) Any person authorized by the Director, in writing,
19 for audit or bona fide research purposes;

20 (8) A coroner or medical examiner who has reason to
21 believe that an eligible adult has died as the result of
22 abuse, neglect, financial exploitation, or self-neglect.
23 The provider agency shall immediately provide the coroner
24 or medical examiner with all records pertaining to the
25 eligible adult; and

26 (9) Department of Financial and Professional

1 Regulation staff and members of the Social Work Examining
2 and Disciplinary Board in the course of investigating
3 alleged violations of the Clinical Social Work and Social
4 Work Practice Act by provider agency staff.

5 (Source: P.A. 94-1064, eff. 1-1-07.)

6 Section 9710. The Older Adult Services Act is amended by
7 changing Section 35 as follows:

8 (320 ILCS 42/35)

9 Sec. 35. Older Adult Services Advisory Committee.

10 (a) The Older Adult Services Advisory Committee is created
11 to advise the directors of Aging, Healthcare and Family
12 Services, and Public Health on all matters related to this Act
13 and the delivery of services to older adults in general.

14 (b) The Advisory Committee shall be comprised of the
15 following:

16 (1) The Director of Aging or his or her designee, who
17 shall serve as chair and shall be an ex officio and
18 nonvoting member.

19 (2) The Director of Healthcare and Family Services and
20 the Director of Public Health or their designees, who shall
21 serve as vice-chairs and shall be ex officio and nonvoting
22 members.

23 (3) One representative each of the Governor's Office,
24 the Department of Healthcare and Family Services, the

1 Department of Public Health, the Department of Veterans'
2 Affairs, the Department of Human Services, the Department
3 of Financial and Professional Regulation (as the successor
4 to the Department of Insurance), the Department of Commerce
5 and Economic Opportunity, the Department on Aging, the
6 Department on Aging's State Long Term Care Ombudsman, the
7 Illinois Housing Finance Authority, and the Illinois
8 Housing Development Authority, each of whom shall be
9 selected by his or her respective director and shall be an
10 ex officio and nonvoting member.

11 (4) Thirty-two members appointed by the Director of
12 Aging in collaboration with the directors of Public Health
13 and Healthcare and Family Services, and selected from the
14 recommendations of statewide associations and
15 organizations, as follows:

16 (A) One member representing the Area Agencies on
17 Aging;

18 (B) Four members representing nursing homes or
19 licensed assisted living establishments;

20 (C) One member representing home health agencies;

21 (D) One member representing case management
22 services;

23 (E) One member representing statewide senior
24 center associations;

25 (F) One member representing Community Care Program
26 homemaker services;

1 (G) One member representing Community Care Program
2 adult day services;

3 (H) One member representing nutrition project
4 directors;

5 (I) One member representing hospice programs;

6 (J) One member representing individuals with
7 Alzheimer's disease and related dementias;

8 (K) Two members representing statewide trade or
9 labor unions;

10 (L) One advanced practice nurse with experience in
11 gerontological nursing;

12 (M) One physician specializing in gerontology;

13 (N) One member representing regional long-term
14 care ombudsmen;

15 (O) One member representing township officials;

16 (P) One member representing municipalities;

17 (Q) One member representing county officials;

18 (R) One member representing the parish nurse
19 movement;

20 (S) One member representing pharmacists;

21 (T) Two members representing statewide
22 organizations engaging in advocacy or legal
23 representation on behalf of the senior population;

24 (U) Two family caregivers;

25 (V) Two citizen members over the age of 60;

26 (W) One citizen with knowledge in the area of

1 gerontology research or health care law;

2 (X) One representative of health care facilities
3 licensed under the Hospital Licensing Act; and

4 (Y) One representative of primary care service
5 providers.

6 The Director of Aging, in collaboration with the Directors
7 of Public Health and Healthcare and Family Services, may
8 appoint additional citizen members to the Older Adult Services
9 Advisory Committee. Each such additional member must be either
10 an individual age 60 or older or an uncompensated caregiver for
11 a family member or friend who is age 60 or older.

12 (c) Voting members of the Advisory Committee shall serve
13 for a term of 3 years or until a replacement is named. All
14 members shall be appointed no later than January 1, 2005. Of
15 the initial appointees, as determined by lot, 10 members shall
16 serve a term of one year; 10 shall serve for a term of 2 years;
17 and 12 shall serve for a term of 3 years. Any member appointed
18 to fill a vacancy occurring prior to the expiration of the term
19 for which his or her predecessor was appointed shall be
20 appointed for the remainder of that term. The Advisory
21 Committee shall meet at least quarterly and may meet more
22 frequently at the call of the Chair. A simple majority of those
23 appointed shall constitute a quorum. The affirmative vote of a
24 majority of those present and voting shall be necessary for
25 Advisory Committee action. Members of the Advisory Committee
26 shall receive no compensation for their services.

1 (d) The Advisory Committee shall have an Executive
2 Committee comprised of the Chair, the Vice Chairs, and up to 15
3 members of the Advisory Committee appointed by the Chair who
4 have demonstrated expertise in developing, implementing, or
5 coordinating the system restructuring initiatives defined in
6 Section 25. The Executive Committee shall have responsibility
7 to oversee and structure the operations of the Advisory
8 Committee and to create and appoint necessary subcommittees and
9 subcommittee members.

10 (e) The Advisory Committee shall study and make
11 recommendations related to the implementation of this Act,
12 including but not limited to system restructuring initiatives
13 as defined in Section 25 or otherwise related to this Act.

14 (Source: P.A. 94-31, eff. 6-14-05; 95-331, eff. 8-21-07.)

15 Section 9715. The Abused and Neglected Child Reporting Act
16 is amended by changing Sections 4.02 and 11.1 as follows:

17 (325 ILCS 5/4.02) (from Ch. 23, par. 2054.02)

18 Sec. 4.02. Any physician who willfully fails to report
19 suspected child abuse or neglect as required by this Act shall
20 be referred to the Illinois State Medical Disciplinary Board
21 for action in accordance with paragraph 22 of Section 22 of the
22 Medical Practice Act of 1987. Any dentist or dental hygienist
23 who willfully fails to report suspected child abuse or neglect
24 as required by this Act shall be referred to the Department of

1 Financial and Professional Regulation for action in accordance
2 with paragraph 19 of Section 23 of the Illinois Dental Practice
3 Act. Any other person required by this Act to report suspected
4 child abuse and neglect who willfully fails to report such is
5 guilty of a Class A misdemeanor for a first violation and a
6 Class 4 felony for a second or subsequent violation.

7 (Source: P.A. 91-197, eff. 1-1-00; 92-801, eff. 8-16-02.)

8 (325 ILCS 5/11.1) (from Ch. 23, par. 2061.1)

9 Sec. 11.1. Access to records.

10 (a) A person shall have access to the records described in
11 Section 11 only in furtherance of purposes directly connected
12 with the administration of this Act or the Intergovernmental
13 Missing Child Recovery Act of 1984. Those persons and purposes
14 for access include:

15 (1) Department staff in the furtherance of their
16 responsibilities under this Act, or for the purpose of
17 completing background investigations on persons or
18 agencies licensed by the Department or with whom the
19 Department contracts for the provision of child welfare
20 services.

21 (2) A law enforcement agency investigating known or
22 suspected child abuse or neglect, known or suspected
23 involvement with child pornography, known or suspected
24 criminal sexual assault, known or suspected criminal
25 sexual abuse, or any other sexual offense when a child is

1 alleged to be involved.

2 (3) The Department of State Police when administering
3 the provisions of the Intergovernmental Missing Child
4 Recovery Act of 1984.

5 (4) A physician who has before him a child whom he
6 reasonably suspects may be abused or neglected.

7 (5) A person authorized under Section 5 of this Act to
8 place a child in temporary protective custody when such
9 person requires the information in the report or record to
10 determine whether to place the child in temporary
11 protective custody.

12 (6) A person having the legal responsibility or
13 authorization to care for, treat, or supervise a child, or
14 a parent, prospective adoptive parent, foster parent,
15 guardian, or other person responsible for the child's
16 welfare, who is the subject of a report.

17 (7) Except in regard to harmful or detrimental
18 information as provided in Section 7.19, any subject of the
19 report, and if the subject of the report is a minor, his
20 guardian or guardian ad litem.

21 (8) A court, upon its finding that access to such
22 records may be necessary for the determination of an issue
23 before such court; however, such access shall be limited to
24 in camera inspection, unless the court determines that
25 public disclosure of the information contained therein is
26 necessary for the resolution of an issue then pending

1 before it.

2 (8.1) A probation officer or other authorized
3 representative of a probation or court services department
4 conducting an investigation ordered by a court under the
5 Juvenile Court Act of 1987.

6 (9) A grand jury, upon its determination that access to
7 such records is necessary in the conduct of its official
8 business.

9 (10) Any person authorized by the Director, in writing,
10 for audit or bona fide research purposes.

11 (11) Law enforcement agencies, coroners or medical
12 examiners, physicians, courts, school superintendents and
13 child welfare agencies in other states who are responsible
14 for child abuse or neglect investigations or background
15 investigations.

16 (12) The Department of Financial and Professional
17 Regulation, the State Board of Education and school
18 superintendents in Illinois, who may use or disclose
19 information from the records as they deem necessary to
20 conduct investigations or take disciplinary action, as
21 provided by law.

22 (13) A coroner or medical examiner who has reason to
23 believe that a child has died as the result of abuse or
24 neglect.

25 (14) The Director of a State-operated facility when an
26 employee of that facility is the perpetrator in an

1 indicated report.

2 (15) The operator of a licensed child care facility or
3 a facility licensed by the Department of Human Services (as
4 successor to the Department of Alcoholism and Substance
5 Abuse) in which children reside when a current or
6 prospective employee of that facility is the perpetrator in
7 an indicated child abuse or neglect report, pursuant to
8 Section 4.3 of the Child Care Act of 1969.

9 (16) Members of a multidisciplinary team in the
10 furtherance of its responsibilities under subsection (b)
11 of Section 7.1. All reports concerning child abuse and
12 neglect made available to members of such
13 multidisciplinary teams and all records generated as a
14 result of such reports shall be confidential and shall not
15 be disclosed, except as specifically authorized by this Act
16 or other applicable law. It is a Class A misdemeanor to
17 permit, assist or encourage the unauthorized release of any
18 information contained in such reports or records. Nothing
19 contained in this Section prevents the sharing of reports
20 or records relating or pertaining to the death of a minor
21 under the care of or receiving services from the Department
22 of Children and Family Services and under the jurisdiction
23 of the juvenile court with the juvenile court, the State's
24 Attorney, and the minor's attorney.

25 (17) The Department of Human Services, as provided in
26 Section 17 of the Disabled Persons Rehabilitation Act.

1 (18) Any other agency or investigative body, including
2 the Department of Public Health and a local board of
3 health, authorized by State law to conduct an investigation
4 into the quality of care provided to children in hospitals
5 and other State regulated care facilities. The access to
6 and release of information from such records shall be
7 subject to the approval of the Director of the Department
8 or his designee.

9 (19) The person appointed, under Section 2-17 of the
10 Juvenile Court Act of 1987, as the guardian ad litem of a
11 minor who is the subject of a report or records under this
12 Act.

13 (20) The Department of Human Services, as provided in
14 Section 10 of the Early Intervention Services System Act,
15 and the operator of a facility providing early intervention
16 services pursuant to that Act, for the purpose of
17 determining whether a current or prospective employee who
18 provides or may provide direct services under that Act is
19 the perpetrator in an indicated report of child abuse or
20 neglect filed under this Act.

21 (b) Nothing contained in this Act prevents the sharing or
22 disclosure of information or records relating or pertaining to
23 juveniles subject to the provisions of the Serious Habitual
24 Offender Comprehensive Action Program when that information is
25 used to assist in the early identification and treatment of
26 habitual juvenile offenders.

1 (c) To the extent that persons or agencies are given access
2 to information pursuant to this Section, those persons or
3 agencies may give this information to and receive this
4 information from each other in order to facilitate an
5 investigation conducted by those persons or agencies.

6 (Source: P.A. 93-147, eff. 1-1-04; 94-1010, eff. 10-1-06.)

7 Section 9720. The Early Intervention Services System Act is
8 amended by changing Section 4 as follows:

9 (325 ILCS 20/4) (from Ch. 23, par. 4154)

10 Sec. 4. Illinois Interagency Council on Early
11 Intervention.

12 (a) There is established the Illinois Interagency Council
13 on Early Intervention. The Council shall be composed of at
14 least 15 but not more than 25 members. The members of the
15 Council and the designated chairperson of the Council shall be
16 appointed by the Governor. The Council member representing the
17 lead agency may not serve as chairperson of the Council. The
18 Council shall be composed of the following members:

19 (1) The Secretary of Human Services (or his or her
20 designee) and 2 additional representatives of the
21 Department of Human Services designated by the Secretary,
22 plus the Directors (or their designees) of the following
23 State agencies involved in the provision of or payment for
24 early intervention services to eligible infants and

1 toddlers and their families:

2 (A) Illinois State Board of Education;

3 (B) (Blank);

4 (C) (Blank);

5 (D) Illinois Department of Children and Family
6 Services;

7 (E) University of Illinois Division of Specialized
8 Care for Children;

9 (F) Illinois Department of Healthcare and Family
10 Services;

11 (G) Illinois Department of Public Health;

12 (H) (Blank);

13 (I) Illinois Planning Council on Developmental
14 Disabilities; and

15 (J) Illinois Department of Financial and
16 Professional Regulation Insurance.

17 (2) Other members as follows:

18 (A) At least 20% of the members of the Council
19 shall be parents, including minority parents, of
20 infants or toddlers with disabilities or children with
21 disabilities aged 12 or younger, with knowledge of, or
22 experience with, programs for infants and toddlers
23 with disabilities. At least one such member shall be a
24 parent of an infant or toddler with a disability or a
25 child with a disability aged 6 or younger;

26 (B) At least 20% of the members of the Council

1 shall be public or private providers of early
2 intervention services;

3 (C) One member shall be a representative of the
4 General Assembly; and

5 (D) One member shall be involved in the preparation
6 of professional personnel to serve infants and
7 toddlers similar to those eligible for services under
8 this Act.

9 The Council shall meet at least quarterly and in such
10 places as it deems necessary. Terms of the initial members
11 appointed under paragraph (2) shall be determined by lot at the
12 first Council meeting as follows: of the persons appointed
13 under subparagraphs (A) and (B), one-third shall serve one year
14 terms, one-third shall serve 2 year terms, and one-third shall
15 serve 3 year terms; and of the persons appointed under
16 subparagraphs (C) and (D), one shall serve a 2 year term and
17 one shall serve a 3 year term. Thereafter, successors appointed
18 under paragraph (2) shall serve 3 year terms. Once appointed,
19 members shall continue to serve until their successors are
20 appointed. No member shall be appointed to serve more than 2
21 consecutive terms.

22 Council members shall serve without compensation but shall
23 be reimbursed for reasonable costs incurred in the performance
24 of their duties, including costs related to child care, and
25 parents may be paid a stipend in accordance with applicable
26 requirements.

1 The Council shall prepare and approve a budget using funds
2 appropriated for the purpose to hire staff, and obtain the
3 services of such professional, technical, and clerical
4 personnel as may be necessary to carry out its functions under
5 this Act. This funding support and staff shall be directed by
6 the lead agency.

7 (b) The Council shall:

8 (1) advise and assist the lead agency in the
9 performance of its responsibilities including but not
10 limited to the identification of sources of fiscal and
11 other support services for early intervention programs,
12 and the promotion of interagency agreements which assign
13 financial responsibility to the appropriate agencies;

14 (2) advise and assist the lead agency in the
15 preparation of applications and amendments to
16 applications;

17 (3) review and advise on relevant regulations and
18 standards proposed by the related State agencies;

19 (4) advise and assist the lead agency in the
20 development, implementation and evaluation of the
21 comprehensive early intervention services system; and

22 (5) prepare and submit an annual report to the Governor
23 and to the General Assembly on the status of early
24 intervention programs for eligible infants and toddlers
25 and their families in Illinois. The annual report shall
26 include (i) the estimated number of eligible infants and

1 toddlers in this State, (ii) the number of eligible infants
2 and toddlers who have received services under this Act and
3 the cost of providing those services, (iii) the estimated
4 cost of providing services under this Act to all eligible
5 infants and toddlers in this State, and (iv) data and other
6 information as is requested to be included by the
7 Legislative Advisory Committee established under Section
8 13.50 of this Act. The report shall be posted by the lead
9 agency on the early intervention website as required under
10 paragraph (f) of Section 5 of this Act.

11 No member of the Council shall cast a vote on or
12 participate substantially in any matter which would provide a
13 direct financial benefit to that member or otherwise give the
14 appearance of a conflict of interest under State law. All
15 provisions and reporting requirements of the Illinois
16 Governmental Ethics Act shall apply to Council members.

17 (Source: P.A. 95-331, eff. 8-21-07.)

18 Section 9725. The Mental Health and Developmental
19 Disabilities Code is amended by changing Section 1-103 as
20 follows:

21 (405 ILCS 5/1-103) (from Ch. 91 1/2, par. 1-103)

22 Sec. 1-103. "Clinical psychologist" means a psychologist
23 registered with the Illinois Department of Professional
24 Regulation or its successor, the Department of Financial and

1 Professional Regulation, who meets the following
2 qualifications:

3 (a) has a doctoral degree from a regionally accredited
4 university, college, or professional school, and has two years
5 of supervised experience in health services of which at least
6 one year is postdoctoral and one year is in an organized health
7 service program; or

8 (b) has a graduate degree in psychology from a regionally
9 accredited university or college, and has not less than six
10 years of experience as a psychologist with at least two years
11 of supervised experience in health services.

12 (Source: P.A. 85-1209.)

13 Section 9730. The Medical Patient Rights Act is amended by
14 changing Section 3 as follows:

15 (410 ILCS 50/3) (from Ch. 111 1/2, par. 5403)

16 Sec. 3. The following rights are hereby established:

17 (a) The right of each patient to care consistent with sound
18 nursing and medical practices, to be informed of the name of
19 the physician responsible for coordinating his or her care, to
20 receive information concerning his or her condition and
21 proposed treatment, to refuse any treatment to the extent
22 permitted by law, and to privacy and confidentiality of records
23 except as otherwise provided by law.

24 (b) The right of each patient, regardless of source of

1 payment, to examine and receive a reasonable explanation of his
2 total bill for services rendered by his physician or health
3 care provider, including the itemized charges for specific
4 services received. Each physician or health care provider shall
5 be responsible only for a reasonable explanation of those
6 specific services provided by such physician or health care
7 provider.

8 (c) In the event an insurance company or health services
9 corporation cancels or refuses to renew an individual policy or
10 plan, the insured patient shall be entitled to timely, prior
11 notice of the termination of such policy or plan.

12 An insurance company or health services corporation that
13 requires any insured patient or applicant for new or continued
14 insurance or coverage to be tested for infection with human
15 immunodeficiency virus (HIV) or any other identified causative
16 agent of acquired immunodeficiency syndrome (AIDS) shall (1)
17 give the patient or applicant prior written notice of such
18 requirement, (2) proceed with such testing only upon the
19 written authorization of the applicant or patient, and (3) keep
20 the results of such testing confidential. Notice of an adverse
21 underwriting or coverage decision may be given to any
22 appropriately interested party, but the insurer may only
23 disclose the test result itself to a physician designated by
24 the applicant or patient, and any such disclosure shall be in a
25 manner that assures confidentiality.

26 The Department of Financial and Professional Regulation

1 ~~Insurance~~ shall enforce the provisions of this subsection.

2 (d) The right of each patient to privacy and
3 confidentiality in health care. Each physician, health care
4 provider, health services corporation and insurance company
5 shall refrain from disclosing the nature or details of services
6 provided to patients, except that such information may be
7 disclosed to the patient, the party making treatment decisions
8 if the patient is incapable of making decisions regarding the
9 health services provided, those parties directly involved with
10 providing treatment to the patient or processing the payment
11 for that treatment, those parties responsible for peer review,
12 utilization review and quality assurance, and those parties
13 required to be notified under the Abused and Neglected Child
14 Reporting Act, the Illinois Sexually Transmissible Disease
15 Control Act or where otherwise authorized or required by law.
16 This right may be waived in writing by the patient or the
17 patient's guardian, but a physician or other health care
18 provider may not condition the provision of services on the
19 patient's or guardian's agreement to sign such a waiver.

20 (Source: P.A. 86-895; 86-902; 86-1028; 87-334.)

21 Section 9735. The Head and Spinal Cord Injury Act is
22 amended by changing Section 6 as follows:

23 (410 ILCS 515/6) (from Ch. 111 1/2, par. 7856)

24 Sec. 6. (a) There is hereby created the Advisory Council on

1 Spinal Cord and Head Injuries within the Department of Human
2 Services. The Council shall consist of 29 members, appointed by
3 the Governor with the advice and consent of the Senate. Members
4 shall serve 3-year terms and until their successors are
5 appointed by the Governor with the advice and consent of the
6 Senate. The members appointed by the Governor shall include 2
7 neurosurgeons, 2 orthopedic surgeons, 2 rehabilitation
8 specialists, one of whom shall be a registered nurse, 4 persons
9 with head injuries or family members of persons with head
10 injuries, 4 persons with spinal cord injuries or family members
11 of persons with spinal cord injuries, a representative of an
12 Illinois college or university, and a representative from
13 health institutions or private industry. These members shall
14 not serve more than 2 consecutive 3-year terms. The Governor
15 shall appoint one individual from each of the following
16 entities to the Council as ex-officio members: the unit of the
17 Department of Human Services that is responsible for the
18 administration of the vocational rehabilitation program,
19 another unit within the Department of Human Services that
20 provides services for individuals with disabilities, the State
21 Board of Education, the Department of Public Health, the
22 Department of Financial and Professional Regulation ~~Insurance~~,
23 the Department of Healthcare and Family Services, the Division
24 of Specialized Care for Children of the University of Illinois,
25 the Statewide Independent Living Council, and the State
26 Rehabilitation Advisory Council. Ex-officio members are not

1 subject to limit of 2 consecutive 3-year terms. The appointment
2 of individuals representing State agencies shall be
3 conditioned on their continued employment with their
4 respective agencies.

5 (b) From funds appropriated for such purpose, the
6 Department of Human Services shall provide to the Council the
7 necessary staff and expenses to carry out the duties and
8 responsibilities assigned by the Council. Such staff shall
9 consist of a director and other support staff.

10 (c) Meetings shall be held at least every 90 days or at the
11 call of the Council chairman, who shall be elected by the
12 Council.

13 (d) Each member shall be reimbursed for reasonable and
14 necessary expenses actually incurred in the performance of his
15 official duties.

16 (e) The Council shall adopt written procedures to govern
17 its activities. Consultants shall be provided for the Council
18 from appropriations made for such purpose.

19 (f) The Council shall make recommendations to the Governor
20 for developing and administering a State plan to provide
21 services for spinal cord and head injured persons.

22 (g) No member of the Council may participate in or seek to
23 influence a decision or vote of the Council if the member would
24 be directly involved with the matter or if he would derive
25 income from it. A violation of this prohibition shall be
26 grounds for a person to be removed as a member of the Council

1 by the Governor.

2 (h) The Council shall:

3 (1) promote meetings and programs for the discussion of
4 reducing the debilitating effects of spinal cord and head
5 injuries and disseminate information in cooperation with
6 any other department, agency or entity on the prevention,
7 evaluation, care, treatment and rehabilitation of persons
8 affected by spinal cord and head injuries;

9 (2) study and review current prevention, evaluation,
10 care, treatment and rehabilitation technologies and
11 recommend appropriate preparation, training, retraining
12 and distribution of manpower and resources in the provision
13 of services to spinal cord and head injured persons through
14 private and public residential facilities, day programs
15 and other specialized services;

16 (3) recommend specific methods, means and procedures
17 which should be adopted to improve and upgrade the State's
18 service delivery system for spinal cord and head injured
19 citizens of this State;

20 (4) participate in developing and disseminating
21 criteria and standards which may be required for future
22 funding or licensing of facilities, day programs and other
23 specialized services for spinal cord and head injured
24 persons in this State;

25 (5) report annually to the Governor and the General
26 Assembly on its activities, and on the results of its

1 studies and the recommendations of the Council; and

2 (6) be the advisory board for purposes of federal
3 programs regarding traumatic brain injury.

4 (i) The Department of Human Services may accept on behalf
5 of the Council federal funds, gifts and donations from
6 individuals, private organizations and foundations, and any
7 other funds that may become available.

8 (Source: P.A. 95-331, eff. 8-21-07.)

9 Section 9740. The Health Care Professional Credentials
10 Data Collection Act is amended by changing Section 5 as
11 follows:

12 (410 ILCS 517/5)

13 Sec. 5. Definitions. As used in this Act:

14 "Council" means the Health Care Credentials Council.

15 "Credentials data" means those data, information, or
16 answers to questions required by a health care entity, health
17 care plan, or hospital to complete the credentialing or
18 recredentialing of a health care professional.

19 "Credentialing" means the process of assessing and
20 validating the qualifications of a health care professional.

21 "Department" means the Department of Public Health.

22 "Director" means the Director of the Department of Public
23 Health.

24 "Health care entity" means any of the following which

1 require the submission of credentials data: (i) a health care
2 facility or other health care organization licensed or
3 certified to provide medical or health services in Illinois,
4 other than a hospital; (ii) a health care professional
5 partnership, corporation, limited liability company,
6 professional services corporation or group practice; or (iii)
7 an independent practice association or physician hospital
8 organization. Nothing in this definition shall be construed to
9 mean that a hospital is a health care entity.

10 "Health care plan" means any entity licensed by the
11 Department of Insurance or its successor, the Department of
12 Financial and Professional Regulation, as a prepaid health care
13 plan or health maintenance organization or as an insurer which
14 requires the submission of credentials data.

15 "Health care professional" means any person licensed under
16 the Medical Practice Act of 1987 or any person licensed under
17 any other Act subsequently made subject to this Act by the
18 Department.

19 "Hospital" means a hospital licensed under the Hospital
20 Licensing Act or any hospital organized under the University of
21 Illinois Hospital Act.

22 "Recredentialing" means the process by which a health care
23 entity, health care plan or hospital ensures that a health care
24 professional who is currently credentialed by the health care
25 entity, health care plan or hospital continues to meet the
26 credentialing criteria used by the health care entity, health

1 care plan, or hospital no more than once every 2 years.

2 "Single credentialing cycle" means a process whereby for
3 purposes of recredentialing each health care professional's
4 credentials data are collected by all health care entities and
5 health care plans that credential the health care professional
6 during the same time period and only once every 2 years.

7 "Site survey" means a process by which a health care entity
8 or health care plan assesses the office locations and medical
9 record keeping practices of a health care professional.

10 "Single site survey" means a process by which, for purposes
11 of recredentialing, each health care professional receives a
12 site visit only once every two years.

13 "Uniform health care credentials form" means the form
14 developed by the Department under Section 15 to collect the
15 credentials data commonly requested by health care entities and
16 health care plans for purposes of credentialing.

17 "Uniform health care recredentials form" means the form
18 developed by the Department under Section 15 to collect the
19 credentials data commonly requested by health care entities and
20 health care plans for purposes of recredentialing.

21 "Uniform hospital credentials form" means the form
22 developed by the Department under Section 15 to collect the
23 credentials data commonly requested by hospitals for purposes
24 of credentialing.

25 "Uniform hospital recredentials form" means the form
26 developed by the Department under Section 15 to collect the

1 credentials data commonly requested by hospitals for purposes
2 of recredentialing.

3 "Uniform site survey instrument" means the instrument
4 developed by the Department under Section 25 to complete a
5 single site survey as part of a credentialing or
6 recredentialing process.

7 "Uniform updating form" means a standardized form for
8 reporting of corrections, updates, and modifications to
9 credentials data to health care entities, health care plans,
10 and hospitals when those data change following credentialing or
11 recredentialing of a health care professional.

12 (Source: P.A. 91-602, eff. 8-16-99.)

13 Section 9745. The Illinois Food, Drug and Cosmetic Act is
14 amended by changing Section 3.22 as follows:

15 (410 ILCS 620/3.22) (from Ch. 56 1/2, par. 503.22)

16 Sec. 3.22. Whoever knowingly distributes, or possesses
17 with intent to distribute, human growth hormone for any use in
18 humans other than the treatment of a disease or other
19 recognized medical condition, where the use has been authorized
20 by the Secretary of Health and Human Services and under the
21 order of a physician, is guilty of a Class 3 felony, and may be
22 fined an amount not to exceed \$50,000.

23 Whoever commits any offense set forth in this Section and
24 the offense involves an individual under 18 years of age is

1 punishable by not more than 10 years imprisonment, and twice
2 the fine authorized above. Any conviction for a violation of
3 this Section shall be considered a violation of the Illinois
4 Controlled Substances Act for the purposes of forfeiture under
5 Section 505 of such Act. As used in this Section the term
6 "human growth hormone" means somatrem, somatropin, or an
7 analogue of either of them. The Department of State Police and
8 Department of Financial and Professional Regulation are
9 authorized to investigate offenses punishable by this Section.
10 (Source: P.A. 87-754.)

11 Section 9750. The Environmental Protection Act is amended
12 by changing Section 21.1 as follows:

13 (415 ILCS 5/21.1) (from Ch. 111 1/2, par. 1021.1)

14 Sec. 21.1. (a) Except as provided in subsection (a.5), no
15 person other than the State of Illinois, its agencies and
16 institutions, or a unit of local government shall conduct any
17 waste disposal operation on or after March 1, 1985, which
18 requires a permit under subsection (d) of Section 21 of this
19 Act, unless such person has posted with the Agency a
20 performance bond or other security for the purpose of insuring
21 closure of the site and post-closure care in accordance with
22 this Act and regulations adopted thereunder.

23 (a.5) On and after the effective date established by the
24 United States Environmental Protection Agency for MSWLF units

1 to provide financial assurance under Subtitle D of the Resource
2 Conservation and Recovery Act, no person, other than the State
3 of Illinois, its agencies and institutions, shall conduct any
4 disposal operation at a MSWLF unit that requires a permit under
5 subsection (d) of Section 21 of this Act, unless that person
6 has posted with the Agency a performance bond or other security
7 for the purposes of:

8 (1) insuring closure of the site and post-closure care
9 in accordance with this Act and its rules; and

10 (2) insuring completion of a corrective action remedy
11 when required by Board rules adopted under Section 22.40 of
12 this Act or when required by Section 22.41 of this Act.

13 The performance bond or other security requirement set
14 forth in this Section may be fulfilled by closure or
15 post-closure insurance, or both, issued by an insurer licensed
16 to transact the business of insurance by the Department of
17 Insurance or its successor, the Department of Financial and
18 Professional Regulation, or at a minimum the insurer must be
19 licensed to transact the business of insurance or approved to
20 provide insurance as an excess or surplus lines insurer by the
21 insurance department in one or more states.

22 (b) On or before January 1, 1985, the Board shall adopt
23 regulations to promote the purposes of this Section. Without
24 limiting the generality of this authority, such regulations
25 may, among other things, prescribe the type and amount of the
26 performance bonds or other securities required under

1 subsections (a) and (a.5) of this Section, and the conditions
2 under which the State is entitled to collect monies from such
3 performance bonds or other securities. The bond amount shall be
4 directly related to the design and volume of the site. The cost
5 estimate for the post-closure care of a MSWLF unit shall be
6 calculated using a 30 year post-closure care period or such
7 other period as may be approved by the Agency under Board or
8 federal rules. On and after the effective date established by
9 the United States Environmental Protection Agency for MSWLF
10 units to provide financial assurance under Subtitle D of the
11 Resource Conservation and Recovery Act, closure, post-closure
12 care, and corrective action cost estimates for MSWLF units
13 shall be in current dollars.

14 (c) There is hereby created within the State Treasury a
15 special fund to be known as the "Landfill Closure and
16 Post-Closure Fund". Any monies forfeited to the State of
17 Illinois from any performance bond or other security required
18 under this Section shall be placed in the "Landfill Closure and
19 Post-Closure Fund" and shall, upon approval by the Governor and
20 the Director, be used by and under the direction of the Agency
21 for the purposes for which such performance bond or other
22 security was issued. The Landfill Closure and Post-Closure Fund
23 is not subject to the provisions of subsection (c) of Section 5
24 of the State Finance Act.

25 (d) The Agency is authorized to enter into such contracts
26 and agreements as it may deem necessary to carry out the

1 purposes of this Section. Neither the State, nor the Director,
2 nor any State employee shall be liable for any damages or
3 injuries arising out of or resulting from any action taken
4 under this Section.

5 (e) The Agency shall have the authority to approve or
6 disapprove any performance bond or other security posted
7 pursuant to subsection (a) or (a.5) of this Section. Any person
8 whose performance bond or other security is disapproved by the
9 Agency may contest the disapproval as a permit denial appeal
10 pursuant to Section 40 of this Act.

11 (f) The Agency may establish such procedures as it may deem
12 necessary for the purpose of implementing and executing its
13 responsibilities under this Section.

14 (g) Nothing in this Section shall bar a cause of action by
15 the State for any other penalty or relief provided by this Act
16 or any other law.

17 (Source: P.A. 88-496; 88-512; 89-200, eff. 1-1-96.)

18 Section 9755. The Response Action Contractor
19 Indemnification Act is amended by changing Section 6 as
20 follows:

21 (415 ILCS 100/6) (from Ch. 111 1/2, par. 7206)

22 Sec. 6. The Secretary of Financial and Professional
23 Regulation ~~Director of Insurance~~ shall monitor and observe the
24 insurance market in this State to determine if the occurrence

1 form of liability insurance becomes available to response
2 action contractors in this State. In the event that the
3 Secretary ~~Director~~ determines that one or more insurers are
4 making such insurance available to response action contractors
5 in this State upon reasonable terms, he shall adopt a rule to
6 that effect. If the Secretary ~~Director~~ determines that such
7 insurance is available only for certain classes of contractors
8 or pollutants, he shall include that determination in the rule.
9 In the event that the Secretary ~~Director~~ determines that such
10 insurance has ceased to be available, he shall modify or
11 rescind such rule.

12 Such determinations shall be subject to review under the
13 Administrative Review Law, and shall be deemed final 30 days
14 after adoption unless such review has been sought within that
15 period.

16 (Source: P.A. 84-1445.)

17 Section 9760. The Fire Investigation Act is amended by
18 changing Sections 6, 12, 13, and 13.1 as follows:

19 (425 ILCS 25/6) (from Ch. 127 1/2, par. 6)

20 Sec. 6. The chief of the fire department of every
21 municipality in which a fire department is established and the
22 fire chief of every legally organized fire protection district
23 shall investigate the cause, origin and circumstances of every
24 fire occurring in such municipality or fire protection

1 district, or in any area or on any property which is furnished
2 fire protection by the fire department of such municipality or
3 fire protection district, by which property has been destroyed
4 or damaged, and shall especially make investigation as to
5 whether such fire was the result of carelessness or design.
6 Such investigation shall be begun within two days, not
7 including Sunday, of the occurrence of such fire, and the
8 Office of the State Fire Marshal shall have the right to
9 supervise and direct such investigation whenever it deems it
10 expedient or necessary. The officer making investigation of
11 fires occurring in cities, villages, towns, fire protection
12 districts or townships shall forthwith notify the Office of the
13 State Fire Marshal and shall by the 15th of the month following
14 the occurrence of the fire, furnish to the Office a statement
15 of all facts relating to the cause and origin of the fire, and
16 such other information as may be called for in a format
17 approved or on forms provided by the Office. The Office of the
18 State Fire Marshal shall keep a record of all fires occurring
19 in the State, together with all facts, statistics and
20 circumstances, including the origin of the fires, which may be
21 determined by the investigations provided by this act; such
22 record shall at all times be open to the public inspection, and
23 such portions of it as the Secretary of Financial and
24 Professional Regulation ~~State Director of Insurance~~ may deem
25 necessary shall be transcribed and forwarded to him within
26 fifteen days from the first of January of each year. In

1 addition to the reporting of fires, the chief of the fire
2 department shall furnish to the Office such other information
3 as the State Fire Marshal deems of importance to the fire
4 services.

5 (Source: P.A. 95-224, eff. 1-1-08.)

6 (425 ILCS 25/12) (from Ch. 127 1/2, par. 16)

7 Sec. 12. Every fire insurance company, whether upon the
8 stock or mutual plan, and every other personal or business
9 entity doing any form of fire insurance business in the State
10 of Illinois, shall pay to the Department of Financial and
11 Professional Regulation Insurance in the month of March, such
12 amount as may be assessed by the Department ~~of Insurance~~, which
13 may not exceed 1% of the gross fire, sprinkler leakage, riot,
14 civil commotion, explosion and motor vehicle fire risk premium
15 receipts of such company or other entity from such business
16 done in the State of Illinois during the preceding year, and
17 shall make an annual report or statement under oath to the
18 Department specifying the amount of such premiums received
19 during the preceding year. The Department ~~of Insurance~~ shall
20 pay the money so received into the Fire Prevention Fund, to be
21 used as specified in Section 13.1 of this Act.

22 (Source: P.A. 85-718.)

23 (425 ILCS 25/13) (from Ch. 127 1/2, par. 17)

24 Sec. 13. Every company, firm, co-partnership, association

1 or aggregation of individuals, or body of persons insuring each
2 other, or their agents, representatives, or attorneys in fact,
3 who shall refuse or neglect to comply with the requirements of
4 Section 12 of this Act, is liable, in addition to the amount
5 due, for such penalty and interest charges as are provided for
6 under Section 412 of the "Illinois Insurance Code". The
7 Secretary of Financial and Professional Regulation ~~Director~~
8 through the Attorney General, may institute an action in the
9 name of the People of the State of Illinois, in any court of
10 competent jurisdiction for the recovery of the amount of such
11 taxes and penalties due, and prosecute the same to final
12 judgment, and take such steps as are necessary to collect the
13 same. If such violation is by a company, association,
14 co-partnership or aggregation of individuals licensed to do
15 business in the State of Illinois, such license may be revoked
16 by the Department of Financial and Professional Regulation
17 Insurance.

18 (Source: P.A. 83-43.)

19 (425 ILCS 25/13.1) (from Ch. 127 1/2, par. 17.1)

20 Sec. 13.1. (a) There shall be a special fund in the State
21 Treasury known as the Fire Prevention Fund.

22 (b) The following moneys shall be deposited into the Fund:

23 (1) Moneys received by the Department of Insurance or
24 its successor, the Department of Financial and
25 Professional Regulation, under Section 12 of this Act.

1 (2) All fees and reimbursements received by the Office
2 of the State Fire Marshal.

3 (3) All receipts from boiler and pressure vessel
4 certification, as provided in Section 13 of the Boiler and
5 Pressure Vessel Safety Act.

6 (4) Such other moneys as may be provided by law.

7 (c) The moneys in the Fire Prevention Fund shall be used,
8 subject to appropriation, for the following purposes:

9 (1) Of the moneys deposited into the fund under Section
10 12 of this Act, 12.5% shall be available for the
11 maintenance of the Illinois Fire Service Institute and the
12 expenses, facilities, and structures incident thereto, and
13 for making transfers into the General Obligation Bond
14 Retirement and Interest Fund for debt service requirements
15 on bonds issued by the State of Illinois after January 1,
16 1986 for the purpose of constructing a training facility
17 for use by the Institute.

18 (2) Of the moneys deposited into the Fund under Section
19 12 of this Act, 10% shall be available for the maintenance
20 of the Chicago Fire Department Training Program and the
21 expenses, facilities and structures incident thereto, in
22 addition to any moneys payable from the Fund to the City of
23 Chicago pursuant to the Illinois Fire Protection Training
24 Act.

25 (3) For making payments to local governmental agencies
26 and individuals pursuant to Section 10 of the Illinois Fire

1 Protection Training Act.

2 (4) For the maintenance and operation of the Office of
3 the State Fire Marshal, and the expenses incident thereto.

4 (5) For any other purpose authorized by law.

5 (d) Any portion of the Fire Prevention Fund remaining
6 unexpended at the end of any fiscal year which is not needed
7 for the maintenance and expenses of the Office of the State
8 Fire Marshal or the maintenance and expenses of the Illinois
9 Fire Service Institute, shall remain in the Fire Prevention
10 Fund for the exclusive and restricted uses provided in
11 subsection (c) of this Section.

12 (e) The Office of the State Fire Marshal shall keep on file
13 an itemized statement of all expenses incurred which are
14 payable from the Fund, other than expenses incurred by the
15 Illinois Fire Service Institute, and shall approve all vouchers
16 issued therefor before they are submitted to the State
17 Comptroller for payment. Such vouchers shall be allowed and
18 paid in the same manner as other claims against the State.

19 (Source: P.A. 93-870, eff. 1-1-05.)

20 Section 9765. The Fireworks Regulation Act of Illinois is
21 amended by changing Section 21 as follows:

22 (425 ILCS 30/21) (from Ch. 127 1/2, par. 121)

23 Sec. 21. The manner of conducting hearings provided for in
24 section 20 of this Act shall conform, as nearly as may be, to

1 the provisions governing hearings set forth in Sections
2 2105-100, 2105-105, 2105-110, 2105-115, 2105-120, and 2105-125
3 of the Department of Financial and Professional Regulation
4 (Professional Regulation) Law (20 ILCS 2105/2105-100,
5 2105/2105-105, 2105/2105-110, 2105/2105-115, 2105/2105-120,
6 and 2105/2105-125).

7 (Source: P.A. 91-239, eff. 1-1-00.)

8 Section 9770. The Humane Euthanasia in Animal Shelters Act
9 is amended by adding Section 2 as follows:

10 (510 ILCS 72/2 new)

11 Sec. 2. References to Department or Director of
12 Professional Regulation. On and after the effective date of
13 this amendatory Act of the 95th General Assembly:

14 (1) References in this Act to the Department of
15 Professional Regulation or "the Department" mean the
16 Department of Financial and Professional Regulation.

17 (2) References in this Act to the Director of
18 Professional Regulation or "the Director" mean the
19 Secretary of Financial and Professional Regulation.

20 Section 9775. The Illinois Highway Code is amended by
21 changing Section 6-412.1 as follows:

22 (605 ILCS 5/6-412.1) (from Ch. 121, par. 6-412.1)

1 Sec. 6-412.1. The highway commissioner is authorized to
2 contract for insurance against any loss or liability of any
3 officer, employee or agent of the district resulting from the
4 wrongful or negligent act of any such officer, employee or
5 agent while discharging and engaged in his duties and functions
6 and acting within the scope of his duties and functions as an
7 officer, employee or agent of the district. Such insurance
8 shall be carried with a company authorized by the Department of
9 Insurance or its successor, the Department of Financial and
10 Professional Regulation, to write such coverage in Illinois.
11 Every such policy shall provide, or be endorsed to provide,
12 that the company issuing such policy waives any right to refuse
13 payment or deny coverage or liability thereunder, within the
14 limits of the policy, because of any exemption the district may
15 have from such liability. The expenditure of road funds of the
16 district to purchase such insurance contracts constitutes a
17 road purpose under this Act.

18 (Source: Laws 1961, p. 2724.)

19 Section 9780. The Illinois Vehicle Code is amended by
20 changing Sections 3-816, 3-818, 7-317, 7-501, and 7-502 as
21 follows:

22 (625 ILCS 5/3-816) (from Ch. 95 1/2, par. 3-816)

23 Sec. 3-816. Installment Payments.

24 (a) The flat weight tax required to be paid by Section

1 3-815 for any vehicles on a calendar year basis may be paid if
2 the owner so elects, in equal semi-annual installments due on
3 January 1 and July 1 of each licensing year. Effective with the
4 1984 registration year the owners of semitrailers registered
5 under Section 3-814 shall have the option of paying the
6 designated fees to the Secretary in the following manner:

7 If registered in the first year the owner shall have the
8 option of paying \$30 the first year and the remaining \$30 by
9 the start of the second year;

10 If registered in the second year the owner shall have the
11 option of paying \$24 the first year and the remaining \$24 by
12 the start of the third year;

13 If registered in the third year the owner shall pay \$36 for
14 each semitrailer;

15 If registered in the fourth year the owner shall pay \$24
16 for each semitrailer; and

17 If registered in the fifth year the owner shall pay \$12 for
18 each semitrailer.

19 Every such owner who elects to pay such tax in such
20 installments shall file with the Secretary of State a surety
21 bond or certificate of deposit, as hereinafter provided, in the
22 amount of the sum of the second installment of taxes on his
23 vehicle.

24 Such bond shall be in the form approved by the Secretary of
25 State and with a surety company approved by the Department of
26 Insurance or its successor, the Department of Financial and

1 Professional Regulation, to transact business in this State, as
2 surety, and shall be conditioned upon such owner's paying to
3 the State of Illinois all monies becoming due by reason of his
4 operation of the second division motor vehicle in this State,
5 together with all penalties and interest thereon.

6 The State Treasurer shall issue a certificate of deposit to
7 any such owner who deposits with the State Treasurer securities
8 of the Federal Government or the State of Illinois endorsed in
9 blank by such owner, or a certificate of deposit issued by any
10 bank or savings and loan association authorized to do business
11 in Illinois, payable to the Secretary of State on or after July
12 1 of the year of registration. Such certificate of deposit and
13 securities shall be approved by and deposited with the State
14 Treasurer, and shall have a current market value in the total
15 amount which would cover all monies becoming due and payable to
16 the State of Illinois by reason of his operation of a second
17 division motor vehicle in this State, together with all
18 penalties and interest thereon.

19 The liability of the surety hereunder shall be absolute and
20 upon notice from the Secretary of State that the second
21 installment has not been paid on July 1 of any licensing year
22 the surety shall immediately pay the second installment to the
23 Secretary of State.

24 Upon notice by the Secretary of State that the second
25 installment of such owner's taxes has not been paid on July 1
26 of any licensing year, the State Treasurer shall sell such

1 securities and deliver the proceeds thereof to the Secretary of
2 State to satisfy all monies becoming due by reason of such
3 owner's operation of a second division motor vehicle in this
4 State, together with all penalties and interest thereon.

5 If the owner's liability for the second installment is
6 evidenced by a certificate of deposit payable to the Secretary
7 of State, the Secretary of State shall, upon failure of the
8 owner to pay the second installment by July 1, endorse the
9 certificate of deposit which is in the custody of the State
10 Treasurer, and thereafter the State Treasurer shall present the
11 certificate of deposit for payment to the proper bank or
12 savings and loan association. Upon receipt of payment, the
13 State Treasurer shall forward to the Secretary of State all
14 monies due by reason of such owner's operation of a second
15 division motor vehicle in this State, and return the excess, if
16 any, to the owner on whose behalf the certificate of deposit
17 was previously deposited.

18 The State Treasurer shall return securities or proceeds in
19 excess of that needed to satisfy the Secretary of State for all
20 monies becoming due by reason of such owner's operation of a
21 second division motor vehicle in this State, together with all
22 penalties and interest thereon. Upon notice by the Secretary of
23 State that the second installment has been paid, the State
24 Treasurer shall return such certificate of deposit or
25 securities deposited with him under this Section to the owner
26 thereof.

1 (b) The flat weight tax required by Section 3-815 to be
2 paid on a fiscal year basis may be paid, if the owner so
3 elects, in equal semi-annual installments due on July 1st and
4 January 1st of each registration year. From July 1, 1983
5 through November 30, 1983, the flat weight tax required by
6 Section 3-814 for semitrailers previously registered on a
7 fiscal year basis may be paid, if the owner so elects, by
8 paying the Secretary of State \$33 at the time of registration
9 and the remaining \$25 by January 1, 1985 for each 5 1/2 year
10 semitrailer plate. Every such owner who elects to pay such tax
11 in such installments shall file with the Secretary of State a
12 surety bond or certificate of deposit, as hereinafter provided,
13 in the amount of the sum of the second installment of taxes on
14 his vehicle.

15 Such bond shall be in the form approved by the Secretary of
16 State and with a surety company approved by the Department of
17 Insurance or its successor, the Department of Financial and
18 Professional Regulation, to transact business in this State, as
19 surety, and shall be conditioned upon such owner's paying to
20 the State of Illinois all monies becoming due by reason of his
21 operation of the second division motor vehicle in this State,
22 together with all penalties and interest thereon.

23 The liability of the surety hereunder shall be absolute and
24 upon notice from the Secretary of State that the second
25 installment has not been paid on January 1st of any
26 registration year the surety shall immediately pay the second

1 installment to the Secretary of State.

2 Upon notice by the Secretary of State that the second
3 installment of such owner's taxes has not been paid on January
4 1st of any registration year, the State Treasurer shall sell
5 such securities and deliver the proceeds thereof to the
6 Secretary of State to satisfy all monies becoming due by reason
7 of such owner's operation of a second division motor vehicle in
8 this State, together with all penalties and interest thereon.

9 If the owner's liability for the second installment is
10 evidenced by a certificate of deposit payable to the Secretary
11 of State, the Secretary of State shall, upon failure of the
12 owner to pay the second installment by January 1st, endorse the
13 certificate of deposit which is in the custody of the State
14 Treasurer, and thereafter the State Treasurer shall present the
15 certificate of deposit for payment to the proper bank or
16 savings and loan association. Upon receipt of payment, the
17 State Treasurer shall forward to the Secretary of State all
18 monies due by reason of such owner's operation of a second
19 division motor vehicle in this State, and return the excess, if
20 any, to the owner on whose behalf the certificate of deposit
21 was previously deposited.

22 The State Treasurer shall return securities or proceeds in
23 excess of that needed to satisfy the Secretary of State for all
24 monies becoming due by reason of such owner's operation of a
25 second division motor vehicle in this State, together with all
26 penalties and interest thereon. Upon notice by the Secretary of

1 State that the second installment has been paid, the State
2 Treasurer shall return such certificate of deposit or
3 securities deposited with him under this Section to the owner
4 thereof.

5 (c) The flat weight tax required under Section 3-815 for
6 vehicles registered in accordance with Section 3-402.1 may be
7 paid, if the owner elects, in equal semi-annual installments
8 due on April 1 and October 1 of each licensing year.

9 (d) In the event any surety pays for any second installment
10 under this Section, the surety shall have recourse only against
11 the principal and owner of the vehicles involved and shall have
12 no right or privilege to demand revocation or suspension of the
13 registration plates or registration stickers of the vehicles
14 involved. Such surety may, however, impress a lien as provided
15 in Section 3-828.

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

17 (625 ILCS 5/3-818) (from Ch. 95 1/2, par. 3-818)

18 Sec. 3-818. (a) Mileage weight tax option. Any owner of a
19 vehicle of the second division may elect to pay a mileage
20 weight tax for such vehicle in lieu of the flat weight tax set
21 out in Section 3-815. Such election shall be binding to the end
22 of the registration year. Renewal of this election must be
23 filed with the Secretary of State on or before July 1 of each
24 registration period. In such event the owner shall, at the time
25 of making such election, pay the \$10 registration fee and the

1 minimum guaranteed mileage weight tax, as hereinafter
 2 provided, which payment shall permit the owner to operate that
 3 vehicle the maximum mileage in this State hereinafter set
 4 forth. Any vehicle being operated on mileage plates cannot be
 5 operated outside of this State. In addition thereto, the owner
 6 of that vehicle shall pay a mileage weight tax at the following
 7 rates for each mile traveled in this State in excess of the
 8 maximum mileage provided under the minimum guaranteed basis:

9 BUS, TRUCK OR TRUCK TRACTOR

10				Maximum	Mileage
11			Minimum	Mileage	Weight Tax
12			Guaranteed	Permitted	for Mileage
13	Gross Weight		Mileage	Under	in excess of
14	Vehicle and		Weight	Guaranteed	Guaranteed
15	Load	Class	Tax	Tax	Mileage
16	12,000 lbs. or less	MD	\$73	5,000	26 Mills
17	12,001 to 16,000 lbs.	MF	120	6,000	34 Mills
18	16,001 to 20,000 lbs.	MG	180	6,000	46 Mills
19	20,001 to 24,000 lbs.	MH	235	6,000	63 Mills
20	24,001 to 28,000 lbs.	MJ	315	7,000	63 Mills
21	28,001 to 32,000 lbs.	MK	385	7,000	83 Mills
22	32,001 to 36,000 lbs.	ML	485	7,000	99 Mills
23	36,001 to 40,000 lbs.	MN	615	7,000	128 Mills
24	40,001 to 45,000 lbs.	MP	695	7,000	139 Mills
25	45,001 to 54,999 lbs.	MR	853	7,000	156 Mills
26	55,000 to 59,500 lbs.	MS	920	7,000	178 Mills

1	59,501 to 64,000 lbs.	MT	985	7,000	195 Mills
2	64,001 to 73,280 lbs.	MV	1,173	7,000	225 Mills
3	73,281 to 77,000 lbs.	MX	1,328	7,000	258 Mills
4	77,001 to 80,000 lbs.	MZ	1,415	7,000	275 Mills
5	TRAILER				
6				Maximum	Mileage
7			Minimum	Mileage	Weight Tax
8			Guaranteed	Permitted	for Mileage
9	Gross Weight		Mileage	Under	in excess of
10	Vehicle and		Weight	Guaranteed	Guaranteed
11	Load	Class	Tax	Tax	Mileage
12	14,000 lbs. or less	ME	\$75	5,000	31 Mills
13	14,001 to 20,000 lbs.	MF	135	6,000	36 Mills
14	20,001 to 36,000 lbs.	ML	540	7,000	103 Mills
15	36,001 to 40,000 lbs.	MM	750	7,000	150 Mills

16 (a-1) A Special Hauling Vehicle is a vehicle or combination
 17 of vehicles of the second division registered under Section
 18 3-813 transporting asphalt or concrete in the plastic state or
 19 a vehicle or combination of vehicles that are subject to the
 20 gross weight limitations in subsection (b) of Section 15-111
 21 for which the owner of the vehicle or combination of vehicles
 22 has elected to pay, in addition to the registration fee in
 23 subsection (a), \$125 to the Secretary of State for each
 24 registration year. The Secretary shall designate this class of
 25 vehicle as a Special Hauling Vehicle.

26 In preparing rate schedules on registration applications,

1 the Secretary of State shall add to the above rates, the \$10
2 registration fee. The Secretary may decline to accept any
3 renewal filed after July 1st.

4 The number of axles necessary to carry the maximum load
5 provided shall be determined from Chapter 15 of this Code.

6 Every owner of a second division motor vehicle for which he
7 has elected to pay a mileage weight tax shall keep a daily
8 record upon forms prescribed by the Secretary of State, showing
9 the mileage covered by that vehicle in this State. Such record
10 shall contain the license number of the vehicle and the miles
11 traveled by the vehicle in this State for each day of the
12 calendar month. Such owner shall also maintain records of fuel
13 consumed by each such motor vehicle and fuel purchases
14 therefor. On or before the 10th day of July the owner shall
15 certify to the Secretary of State upon forms prescribed
16 therefor, summaries of his daily records which shall show the
17 miles traveled by the vehicle in this State during the
18 preceding 12 months and such other information as the Secretary
19 of State may require. The daily record and fuel records shall
20 be filed, preserved and available for audit for a period of 3
21 years. Any owner filing a return hereunder shall certify that
22 such return is a true, correct and complete return. Any person
23 who willfully makes a false return hereunder is guilty of
24 perjury and shall be punished in the same manner and to the
25 same extent as is provided therefor.

26 At the time of filing his return, each owner shall pay to

1 the Secretary of State the proper amount of tax at the rate
2 herein imposed.

3 Every owner of a vehicle of the second division who elects
4 to pay on a mileage weight tax basis and who operates the
5 vehicle within this State, shall file with the Secretary of
6 State a bond in the amount of \$500. The bond shall be in a form
7 approved by the Secretary of State and with a surety company
8 approved by the Illinois Department of Insurance or its
9 successor, the Department of Financial and Professional
10 Regulation, to transact business in this State as surety, and
11 shall be conditioned upon such applicant's paying to the State
12 of Illinois all money becoming due by reason of the operation
13 of the second division vehicle in this State, together with all
14 penalties and interest thereon.

15 Upon notice from the Secretary that the registrant has
16 failed to pay the excess mileage fees, the surety shall
17 immediately pay the fees together with any penalties and
18 interest thereon in an amount not to exceed the limits of the
19 bond.

20 (Source: P.A. 94-239, eff. 1-1-06.)

21 (625 ILCS 5/7-317) (from Ch. 95 1/2, par. 7-317)

22 Sec. 7-317. "Motor vehicle liability policy" defined. (a)
23 Certification. -A "motor vehicle liability policy", as that
24 term is used in this Act, means an "owner's policy" or an
25 "operator's policy" of liability insurance, certified as

1 provided in Section 7-315 or Section 7-316 as proof of
2 financial responsibility for the future, and issued, except as
3 otherwise provided in Section 7-316, by an insurance carrier
4 duly authorized to transact business in this State, to or for
5 the benefit of the person named therein as insured.

6 (b) Owner's Policy. --Such owner's policy of liability
7 insurance:

8 1. Shall designate by explicit description or by
9 appropriate reference, all motor vehicles with respect to which
10 coverage is thereby intended to be granted;

11 2. Shall insure the person named therein and any other
12 person using or responsible for the use of such motor vehicle
13 or vehicles with the express or implied permission of the
14 insured;

15 3. Shall insure every named insured and any other person
16 using or responsible for the use of any motor vehicle owned by
17 the named insured and used by such other person with the
18 express or implied permission of the named insured on account
19 of the maintenance, use or operation of any motor vehicle owned
20 by the named insured, within the continental limits of the
21 United States or the Dominion of Canada against loss from
22 liability imposed by law arising from such maintenance, use or
23 operation, to the extent and aggregate amount, exclusive of
24 interest and cost, with respect to each motor vehicle, of
25 \$20,000 for bodily injury to or death of one person as a result
26 of any one accident and, subject to such limit as to one

1 person, the amount of \$40,000 for bodily injury to or death of
2 all persons as a result of any one accident and the amount of
3 \$15,000 for damage to property of others as a result of any one
4 accident.

5 (c) Operator's Policy. --When an operator's policy is
6 required, it shall insure the person named therein as insured
7 against the liability imposed by law upon the insured for
8 bodily injury to or death of any person or damage to property
9 to the amounts and limits above set forth and growing out of
10 the use or operation by the insured within the continental
11 limits of the United States or the Dominion of Canada of any
12 motor vehicle not owned by him.

13 (d) Required Statements in Policies. --Every motor vehicle
14 liability policy must specify the name and address of the
15 insured, the coverage afforded by the policy, the premium
16 charged therefor, the policy period, and the limits of
17 liability, and shall contain an agreement that the insurance
18 thereunder is provided in accordance with the coverage defined
19 in this Act, as respects bodily injury and death or property
20 damage or both, and is subject to all the provisions of this
21 Act.

22 (e) Policy Need Not Insure Workers' Compensation. --Any
23 liability policy or policies issued hereunder need not cover
24 any liability of the insured assumed by or imposed upon the
25 insured under any workers' compensation law nor any liability
26 for damage to property in charge of the insured or the

1 insured's employees.

2 (f) Provisions Incorporated in Policy. --Every motor
3 vehicle liability policy is subject to the following provisions
4 which need not be contained therein:

5 1. The liability of the insurance carrier under any such
6 policy shall become absolute whenever loss or damage covered by
7 the policy occurs and the satisfaction by the insured of a
8 final judgment for such loss or damage shall not be a condition
9 precedent to the right or obligation of the carrier to make
10 payment on account of such loss or damage.

11 2. No such policy may be cancelled or annulled as respects
12 any loss or damage, by any agreement between the carrier and
13 the insured after the insured has become responsible for such
14 loss or damage, and any such cancellation or annulment shall be
15 void.

16 3. The insurance carrier shall, however, have the right to
17 settle any claim covered by the policy, and if such settlement
18 is made in good faith, the amount thereof shall be deductible
19 from the limits of liability specified in the policy.

20 4. The policy, the written application therefor, if any,
21 and any rider or endorsement which shall not conflict with the
22 provisions of this Act shall constitute the entire contract
23 between the parties.

24 (g) Excess or Additional Coverage. --Any motor vehicle
25 liability policy may, however, grant any lawful coverage in
26 excess of or in addition to the coverage herein specified or

1 contain any agreements, provisions, or stipulations not in
2 conflict with the provisions of this Act and not otherwise
3 contrary to law.

4 (h) Reimbursement Provision Permitted. --The policy may
5 provide that the insured, or any other person covered by the
6 policy shall reimburse the insurance carrier for payment made
7 on account of any loss or damage claim or suit involving a
8 breach of the terms, provisions or conditions of the policy;
9 and further, if the policy shall provide for limits in excess
10 of the limits specified in this Act, the insurance carrier may
11 plead against any plaintiff, with respect to the amount of such
12 excess limits of liability, any defense which it may be
13 entitled to plead against the insured.

14 (i) Proration of Insurance Permitted. --The policy may
15 provide for the pro-rating of the insurance thereunder with
16 other applicable valid and collectible insurance.

17 (j) Binders. --Any binder pending the issuance of any
18 policy, which binder contains or by reference includes the
19 provisions hereunder shall be sufficient proof of ability to
20 respond in damages.

21 (k) Copy of Policy to Be Filed with Department of Financial
22 and Professional Regulation Insurance Approval. --A copy of
23 the form of every motor vehicle liability policy which is to be
24 used to meet the requirements of this Act must be filed, by the
25 company offering such policy, with the Department of Financial
26 and Professional Regulation Insurance, which shall approve or

1 disapprove the policy within 30 days of its filing. If the
2 Department approves the policy in writing within such 30 day
3 period or fails to take action for 30 days, the form of policy
4 shall be deemed approved as filed. If within the 30 days the
5 Department disapproves the form of policy filed upon the ground
6 that it does not comply with the requirements of this Act, the
7 Department shall give written notice of its decision and its
8 reasons therefor to the carrier and the policy shall not be
9 accepted as proof of financial responsibility under this Act.

10 (l) Insurance Carrier Required to File Certificate. --An
11 insurance carrier who has issued a motor vehicle liability
12 policy or policies or an operator's policy meeting the
13 requirements of this Act shall, upon the request of the insured
14 therein, deliver to the insured for filing, or at the request
15 of the insured, shall file direct, with the Secretary of State
16 a certificate, as required by this Act, which shows that such
17 policy or policies have been issued. No insurance carrier may
18 require the payment of any extra fee or surcharge, in addition
19 to the insurance premium, for the execution, delivery or filing
20 of such certificate.

21 (m) Proof When Made By Endorsement. --Any motor vehicle
22 liability policy which by endorsement contains the provisions
23 required hereunder shall be sufficient proof of ability to
24 respond in damages.

25 (Source: P.A. 85-730.)

1 (625 ILCS 5/7-501) (from Ch. 95 1/2, par. 7-501)

2 Sec. 7-501. Assigned Risk Plans. If, on or before January
3 1, 1946, every insurance carrier authorized to write automobile
4 bodily injury liability insurance in this State shall not
5 subscribe to an assigned risk plan approved by the Director of
6 Insurance, providing that no carrier may withdraw therefrom
7 after approval of the Director, the Director of Insurance or
8 the Director's successor, the Secretary of Financial and
9 Professional Regulation, shall, when he finds that an
10 application for bodily injury or property damage insurance by a
11 risk, which may become subject to this Act or is a local public
12 entity subject to the Local Governmental and Governmental
13 Employees Tort Immunity Act, and in good faith is entitled to
14 such insurance, has been rejected by 3 insurance carriers,
15 designate an insurance carrier which shall be obligated to
16 issue forthwith its usual form of policy providing such
17 insurance for such risk. The Director or the Secretary shall
18 make equitable distribution of such assignments among
19 insurance carriers proportionate, so far as practicable, by
20 premiums to the respective net direct automobile bodily injury
21 premium writings of the carriers authorized to do business in
22 this State. The Secretary of Financial and Professional
23 Regulation ~~Director of Insurance~~ shall establish rules and
24 regulations for the administration of the provisions of this
25 Section.

26 If any carrier refuses or neglects to comply with the

1 provisions of this Section or with any lawful order or ruling
2 made by the Secretary of Financial and Professional Regulation
3 ~~Director of Insurance~~ pursuant to this Section, the Secretary
4 ~~Director~~ may, after notice and hearing, suspend the license of
5 such carrier to transact any insurance business in this State
6 until such carrier shall have complied with such order. The
7 provisions of the Administrative Review Law, and all amendments
8 and modifications thereof, and the rules adopted pursuant
9 thereto, shall apply to and govern all proceedings for the
10 judicial review of final administrative decisions of the
11 Secretary of Financial and Professional Regulation ~~Director of~~
12 ~~Insurance~~ hereunder.

13 (Source: P.A. 92-651, eff. 7-11-02.)

14 (625 ILCS 5/7-502) (from Ch. 95 1/2, par. 7-502)

15 Sec. 7-502. Self-insurers. Any person in whose name more
16 than 25 motor vehicles are registered may qualify as a
17 self-insurer by obtaining a certificate of self-insurance
18 issued by the Secretary of Financial and Professional
19 Regulation ~~Director of the Department of Insurance~~ as provided
20 in this Section.

21 The Secretary ~~Director~~ may, in his discretion, upon the
22 application of such a person, issue a certificate of
23 self-insurance when he is satisfied that such person is
24 possessed and will continue to be possessed of ability to pay
25 judgment obtained against such person.

1 Upon not less than 5 days' notice, and a hearing pursuant
2 to such notice, the Secretary ~~Director~~ may upon reasonable
3 grounds cancel a certificate of self-insurance. Failure to pay
4 any judgment against any person covered by such certificate of
5 self-insurance and arising out of any accident in which a motor
6 vehicle covered by such certificate of self-insurance has been
7 involved within 30 days after such judgment shall have become
8 final shall constitute a reasonable ground for the cancellation
9 of a certificate of self-insurance.

10 (Source: P.A. 82-138.)

11 Section 9785. The Criminal Code of 1961 is amended by
12 changing Section 24-2 as follows:

13 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

14 Sec. 24-2. Exemptions.

15 (a) Subsections 24-1(a)(3), 24-1(a)(4) and 24-1(a)(10) and
16 Section 24-1.6 do not apply to or affect any of the following:

17 (1) Peace officers, and any person summoned by a peace
18 officer to assist in making arrests or preserving the
19 peace, while actually engaged in assisting such officer.

20 (2) Wardens, superintendents and keepers of prisons,
21 penitentiaries, jails and other institutions for the
22 detention of persons accused or convicted of an offense,
23 while in the performance of their official duty, or while
24 commuting between their homes and places of employment.

1 (3) Members of the Armed Services or Reserve Forces of
2 the United States or the Illinois National Guard or the
3 Reserve Officers Training Corps, while in the performance
4 of their official duty.

5 (4) Special agents employed by a railroad or a public
6 utility to perform police functions, and guards of armored
7 car companies, while actually engaged in the performance of
8 the duties of their employment or commuting between their
9 homes and places of employment; and watchmen while actually
10 engaged in the performance of the duties of their
11 employment.

12 (5) Persons licensed as private security contractors,
13 private detectives, or private alarm contractors, or
14 employed by an agency certified by the Department of
15 Professional Regulation or its successor, the Department
16 of Financial and Professional Regulation, if their duties
17 include the carrying of a weapon under the provisions of
18 the Private Detective, Private Alarm, Private Security,
19 Fingerprint Vendor, and Locksmith Act of 2004, while
20 actually engaged in the performance of the duties of their
21 employment or commuting between their homes and places of
22 employment, provided that such commuting is accomplished
23 within one hour from departure from home or place of
24 employment, as the case may be. Persons exempted under this
25 subdivision (a) (5) shall be required to have completed a
26 course of study in firearms handling and training approved

1 and supervised by the Department of Professional
2 Regulation or its successor, the Department of Financial
3 and Professional Regulation, as prescribed by Section 28 of
4 the Private Detective, Private Alarm, Private Security,
5 Fingerprint Vendor, and Locksmith Act of 2004, prior to
6 becoming eligible for this exemption. The Department of
7 Financial and Professional Regulation shall provide
8 suitable documentation demonstrating the successful
9 completion of the prescribed firearms training. Such
10 documentation shall be carried at all times when such
11 persons are in possession of a concealable weapon.

12 (6) Any person regularly employed in a commercial or
13 industrial operation as a security guard for the protection
14 of persons employed and private property related to such
15 commercial or industrial operation, while actually engaged
16 in the performance of his or her duty or traveling between
17 sites or properties belonging to the employer, and who, as
18 a security guard, is a member of a security force of at
19 least 5 persons registered with the Department of
20 Professional Regulation or its successor, the Department
21 of Financial and Professional Regulation; provided that
22 such security guard has successfully completed a course of
23 study, approved by and supervised by the Department of
24 Professional Regulation or its successor, the Department
25 of Financial and Professional Regulation, consisting of
26 not less than 40 hours of training that includes the theory

1 of law enforcement, liability for acts, and the handling of
2 weapons. A person shall be considered eligible for this
3 exemption if he or she has completed the required 20 hours
4 of training for a security officer and 20 hours of required
5 firearm training, and has been issued a firearm control
6 card by the Department of Professional Regulation or its
7 successor, the Department of Financial and Professional
8 Regulation. Conditions for the renewal of firearm control
9 cards issued under the provisions of this Section shall be
10 the same as for those cards issued under the provisions of
11 the Private Detective, Private Alarm, Private Security,
12 Fingerprint Vendor, and Locksmith Act of 2004. Such firearm
13 control card shall be carried by the security guard at all
14 times when he or she is in possession of a concealable
15 weapon.

16 (7) Agents and investigators of the Illinois
17 Legislative Investigating Commission authorized by the
18 Commission to carry the weapons specified in subsections
19 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
20 any investigation for the Commission.

21 (8) Persons employed by a financial institution for the
22 protection of other employees and property related to such
23 financial institution, while actually engaged in the
24 performance of their duties, commuting between their homes
25 and places of employment, or traveling between sites or
26 properties owned or operated by such financial

1 institution, provided that any person so employed has
2 successfully completed a course of study, approved by and
3 supervised by the Department of Professional Regulation or
4 its successor, the Department of Financial and
5 Professional Regulation, consisting of not less than 40
6 hours of training which includes theory of law enforcement,
7 liability for acts, and the handling of weapons. A person
8 shall be considered to be eligible for this exemption if he
9 or she has completed the required 20 hours of training for
10 a security officer and 20 hours of required firearm
11 training, and has been issued a firearm control card by the
12 Department of Professional Regulation or its successor,
13 the Department of Financial and Professional Regulation.
14 Conditions for renewal of firearm control cards issued
15 under the provisions of this Section shall be the same as
16 for those issued under the provisions of the Private
17 Detective, Private Alarm, Private Security, Fingerprint
18 Vendor, and Locksmith Act of 2004. Such firearm control
19 card shall be carried by the person so trained at all times
20 when such person is in possession of a concealable weapon.
21 For purposes of this subsection, "financial institution"
22 means a bank, savings and loan association, credit union or
23 company providing armored car services.

24 (9) Any person employed by an armored car company to
25 drive an armored car, while actually engaged in the
26 performance of his duties.

1 (10) Persons who have been classified as peace officers
2 pursuant to the Peace Officer Fire Investigation Act.

3 (11) Investigators of the Office of the State's
4 Attorneys Appellate Prosecutor authorized by the board of
5 governors of the Office of the State's Attorneys Appellate
6 Prosecutor to carry weapons pursuant to Section 7.06 of the
7 State's Attorneys Appellate Prosecutor's Act.

8 (12) Special investigators appointed by a State's
9 Attorney under Section 3-9005 of the Counties Code.

10 (12.5) Probation officers while in the performance of
11 their duties, or while commuting between their homes,
12 places of employment or specific locations that are part of
13 their assigned duties, with the consent of the chief judge
14 of the circuit for which they are employed.

15 (13) Court Security Officers while in the performance
16 of their official duties, or while commuting between their
17 homes and places of employment, with the consent of the
18 Sheriff.

19 (13.5) A person employed as an armed security guard at
20 a nuclear energy, storage, weapons or development site or
21 facility regulated by the Nuclear Regulatory Commission
22 who has completed the background screening and training
23 mandated by the rules and regulations of the Nuclear
24 Regulatory Commission.

25 (14) Manufacture, transportation, or sale of weapons
26 to persons authorized under subdivisions (1) through

1 (13.5) of this subsection to possess those weapons.

2 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
3 24-1.6 do not apply to or affect any of the following:

4 (1) Members of any club or organization organized for
5 the purpose of practicing shooting at targets upon
6 established target ranges, whether public or private, and
7 patrons of such ranges, while such members or patrons are
8 using their firearms on those target ranges.

9 (2) Duly authorized military or civil organizations
10 while parading, with the special permission of the
11 Governor.

12 (3) Hunters, trappers or fishermen with a license or
13 permit while engaged in hunting, trapping or fishing.

14 (4) Transportation of weapons that are broken down in a
15 non-functioning state or are not immediately accessible.

16 (c) Subsection 24-1(a)(7) does not apply to or affect any
17 of the following:

18 (1) Peace officers while in performance of their
19 official duties.

20 (2) Wardens, superintendents and keepers of prisons,
21 penitentiaries, jails and other institutions for the
22 detention of persons accused or convicted of an offense.

23 (3) Members of the Armed Services or Reserve Forces of
24 the United States or the Illinois National Guard, while in
25 the performance of their official duty.

26 (4) Manufacture, transportation, or sale of machine

1 guns to persons authorized under subdivisions (1) through
2 (3) of this subsection to possess machine guns, if the
3 machine guns are broken down in a non-functioning state or
4 are not immediately accessible.

5 (5) Persons licensed under federal law to manufacture
6 any weapon from which 8 or more shots or bullets can be
7 discharged by a single function of the firing device, or
8 ammunition for such weapons, and actually engaged in the
9 business of manufacturing such weapons or ammunition, but
10 only with respect to activities which are within the lawful
11 scope of such business, such as the manufacture,
12 transportation, or testing of such weapons or ammunition.
13 This exemption does not authorize the general private
14 possession of any weapon from which 8 or more shots or
15 bullets can be discharged by a single function of the
16 firing device, but only such possession and activities as
17 are within the lawful scope of a licensed manufacturing
18 business described in this paragraph.

19 During transportation, such weapons shall be broken
20 down in a non-functioning state or not immediately
21 accessible.

22 (6) The manufacture, transport, testing, delivery,
23 transfer or sale, and all lawful commercial or experimental
24 activities necessary thereto, of rifles, shotguns, and
25 weapons made from rifles or shotguns, or ammunition for
26 such rifles, shotguns or weapons, where engaged in by a

1 person operating as a contractor or subcontractor pursuant
2 to a contract or subcontract for the development and supply
3 of such rifles, shotguns, weapons or ammunition to the
4 United States government or any branch of the Armed Forces
5 of the United States, when such activities are necessary
6 and incident to fulfilling the terms of such contract.

7 The exemption granted under this subdivision (c)(6)
8 shall also apply to any authorized agent of any such
9 contractor or subcontractor who is operating within the
10 scope of his employment, where such activities involving
11 such weapon, weapons or ammunition are necessary and
12 incident to fulfilling the terms of such contract.

13 During transportation, any such weapon shall be broken
14 down in a non-functioning state, or not immediately
15 accessible.

16 (d) Subsection 24-1(a)(1) does not apply to the purchase,
17 possession or carrying of a black-jack or slung-shot by a peace
18 officer.

19 (e) Subsection 24-1(a)(8) does not apply to any owner,
20 manager or authorized employee of any place specified in that
21 subsection nor to any law enforcement officer.

22 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
23 Section 24-1.6 do not apply to members of any club or
24 organization organized for the purpose of practicing shooting
25 at targets upon established target ranges, whether public or
26 private, while using their firearms on those target ranges.

1 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
2 to:

3 (1) Members of the Armed Services or Reserve Forces of
4 the United States or the Illinois National Guard, while in
5 the performance of their official duty.

6 (2) Bonafide collectors of antique or surplus military
7 ordinance.

8 (3) Laboratories having a department of forensic
9 ballistics, or specializing in the development of
10 ammunition or explosive ordinance.

11 (4) Commerce, preparation, assembly or possession of
12 explosive bullets by manufacturers of ammunition licensed
13 by the federal government, in connection with the supply of
14 those organizations and persons exempted by subdivision
15 (g)(1) of this Section, or like organizations and persons
16 outside this State, or the transportation of explosive
17 bullets to any organization or person exempted in this
18 Section by a common carrier or by a vehicle owned or leased
19 by an exempted manufacturer.

20 (g-5) Subsection 24-1(a)(6) does not apply to or affect
21 persons licensed under federal law to manufacture any device or
22 attachment of any kind designed, used, or intended for use in
23 silencing the report of any firearm, firearms, or ammunition
24 for those firearms equipped with those devices, and actually
25 engaged in the business of manufacturing those devices,
26 firearms, or ammunition, but only with respect to activities

1 that are within the lawful scope of that business, such as the
2 manufacture, transportation, or testing of those devices,
3 firearms, or ammunition. This exemption does not authorize the
4 general private possession of any device or attachment of any
5 kind designed, used, or intended for use in silencing the
6 report of any firearm, but only such possession and activities
7 as are within the lawful scope of a licensed manufacturing
8 business described in this subsection (g-5). During
9 transportation, those devices shall be detached from any weapon
10 or not immediately accessible.

11 (h) An information or indictment based upon a violation of
12 any subsection of this Article need not negative any exemptions
13 contained in this Article. The defendant shall have the burden
14 of proving such an exemption.

15 (i) Nothing in this Article shall prohibit, apply to, or
16 affect the transportation, carrying, or possession, of any
17 pistol or revolver, stun gun, taser, or other firearm consigned
18 to a common carrier operating under license of the State of
19 Illinois or the federal government, where such transportation,
20 carrying, or possession is incident to the lawful
21 transportation in which such common carrier is engaged; and
22 nothing in this Article shall prohibit, apply to, or affect the
23 transportation, carrying, or possession of any pistol,
24 revolver, stun gun, taser, or other firearm, not the subject of
25 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of
26 this Article, which is unloaded and enclosed in a case, firearm

1 carrying box, shipping box, or other container, by the
2 possessor of a valid Firearm Owners Identification Card.

3 (Source: P.A. 95-331, eff. 8-21-07; 95-613, eff. 9-11-07.)

4 Section 9790. The Illinois Controlled Substances Act is
5 amended by changing Sections 102, 301, 302, 303, 303.05, 303.1,
6 304, 305, 306, 312, 313, 501, 501.1, 505, and 507 as follows:

7 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

8 Sec. 102. Definitions. As used in this Act, unless the
9 context otherwise requires:

10 (a) "Addict" means any person who habitually uses any drug,
11 chemical, substance or dangerous drug other than alcohol so as
12 to endanger the public morals, health, safety or welfare or who
13 is so far addicted to the use of a dangerous drug or controlled
14 substance other than alcohol as to have lost the power of self
15 control with reference to his addiction.

16 (b) "Administer" means the direct application of a
17 controlled substance, whether by injection, inhalation,
18 ingestion, or any other means, to the body of a patient,
19 research subject, or animal (as defined by the Humane
20 Euthanasia in Animal Shelters Act) by:

21 (1) a practitioner (or, in his presence, by his
22 authorized agent),

23 (2) the patient or research subject at the lawful
24 direction of the practitioner, or

1 (3) a euthanasia technician as defined by the Humane
2 Euthanasia in Animal Shelters Act.

3 (c) "Agent" means an authorized person who acts on behalf
4 of or at the direction of a manufacturer, distributor, or
5 dispenser. It does not include a common or contract carrier,
6 public warehouseman or employee of the carrier or warehouseman.

7 (c-1) "Anabolic Steroids" means any drug or hormonal
8 substance, chemically and pharmacologically related to
9 testosterone (other than estrogens, progestins, and
10 corticosteroids) that promotes muscle growth, and includes:

- 11 (i) boldenone,
- 12 (ii) chlorotestosterone,
- 13 (iii) chostebol,
- 14 (iv) dehydrochlormethyltestosterone,
- 15 (v) dihydrotestosterone,
- 16 (vi) drostanolone,
- 17 (vii) ethylestrenol,
- 18 (viii) fluoxymesterone,
- 19 (ix) formebulone,
- 20 (x) mesterolone,
- 21 (xi) methandienone,
- 22 (xii) methandranone,
- 23 (xiii) methandriol,
- 24 (xiv) methandrostenolone,
- 25 (xv) methenolone,
- 26 (xvi) methyltestosterone,

1 (xvii) mibolerone,
2 (xviii) nandrolone,
3 (xix) norethandrolone,
4 (xx) oxandrolone,
5 (xxi) oxymesterone,
6 (xxii) oxymetholone,
7 (xxiii) stanolone,
8 (xxiv) stanozolol,
9 (xxv) testolactone,
10 (xxvi) testosterone,
11 (xxvii) trenbolone, and
12 (xxviii) any salt, ester, or isomer of a drug or
13 substance described or listed in this paragraph, if
14 that salt, ester, or isomer promotes muscle growth.

15 Any person who is otherwise lawfully in possession of an
16 anabolic steroid, or who otherwise lawfully manufactures,
17 distributes, dispenses, delivers, or possesses with intent to
18 deliver an anabolic steroid, which anabolic steroid is
19 expressly intended for and lawfully allowed to be administered
20 through implants to livestock or other nonhuman species, and
21 which is approved by the Secretary of Health and Human Services
22 for such administration, and which the person intends to
23 administer or have administered through such implants, shall
24 not be considered to be in unauthorized possession or to
25 unlawfully manufacture, distribute, dispense, deliver, or
26 possess with intent to deliver such anabolic steroid for

1 purposes of this Act.

2 (d) "Administration" means the Drug Enforcement
3 Administration, United States Department of Justice, or its
4 successor agency.

5 (e) "Control" means to add a drug or other substance, or
6 immediate precursor, to a Schedule under Article II of this Act
7 whether by transfer from another Schedule or otherwise.

8 (f) "Controlled Substance" means a drug, substance, or
9 immediate precursor in the Schedules of Article II of this Act.

10 (g) "Counterfeit substance" means a controlled substance,
11 which, or the container or labeling of which, without
12 authorization bears the trademark, trade name, or other
13 identifying mark, imprint, number or device, or any likeness
14 thereof, of a manufacturer, distributor, or dispenser other
15 than the person who in fact manufactured, distributed, or
16 dispensed the substance.

17 (h) "Deliver" or "delivery" means the actual, constructive
18 or attempted transfer of possession of a controlled substance,
19 with or without consideration, whether or not there is an
20 agency relationship.

21 (i) "Department" means the Illinois Department of Human
22 Services (as successor to the Department of Alcoholism and
23 Substance Abuse) or its successor agency.

24 (j) "Department of State Police" means the Department of
25 State Police of the State of Illinois or its successor agency.

26 (k) "Department of Corrections" means the Department of

1 Corrections of the State of Illinois or its successor agency.

2 (l) "Department of Financial and Professional Regulation"
3 means the Department of Financial and Professional Regulation
4 of the State of Illinois or its successor agency.

5 (m) "Depressant" or "stimulant substance" means:

6 (1) a drug which contains any quantity of (i)
7 barbituric acid or any of the salts of barbituric acid
8 which has been designated as habit forming under section
9 502 (d) of the Federal Food, Drug, and Cosmetic Act (21
10 U.S.C. 352 (d)); or

11 (2) a drug which contains any quantity of (i)
12 amphetamine or methamphetamine and any of their optical
13 isomers; (ii) any salt of amphetamine or methamphetamine or
14 any salt of an optical isomer of amphetamine; or (iii) any
15 substance which the Department, after investigation, has
16 found to be, and by rule designated as, habit forming
17 because of its depressant or stimulant effect on the
18 central nervous system; or

19 (3) lysergic acid diethylamide; or

20 (4) any drug which contains any quantity of a substance
21 which the Department, after investigation, has found to
22 have, and by rule designated as having, a potential for
23 abuse because of its depressant or stimulant effect on the
24 central nervous system or its hallucinogenic effect.

25 (n) (Blank).

26 (o) "Director" means the Director of the Department of

1 State Police or the Secretary of Financial and ~~Department of~~
2 Professional Regulation or his designated agents.

3 (p) "Dispense" means to deliver a controlled substance to
4 an ultimate user or research subject by or pursuant to the
5 lawful order of a prescriber, including the prescribing,
6 administering, packaging, labeling, or compounding necessary
7 to prepare the substance for that delivery.

8 (q) "Dispenser" means a practitioner who dispenses.

9 (r) "Distribute" means to deliver, other than by
10 administering or dispensing, a controlled substance.

11 (s) "Distributor" means a person who distributes.

12 (t) "Drug" means (1) substances recognized as drugs in the
13 official United States Pharmacopoeia, Official Homeopathic
14 Pharmacopoeia of the United States, or official National
15 Formulary, or any supplement to any of them; (2) substances
16 intended for use in diagnosis, cure, mitigation, treatment, or
17 prevention of disease in man or animals; (3) substances (other
18 than food) intended to affect the structure of any function of
19 the body of man or animals and (4) substances intended for use
20 as a component of any article specified in clause (1), (2), or
21 (3) of this subsection. It does not include devices or their
22 components, parts, or accessories.

23 (t-5) "Euthanasia agency" means an entity certified by the
24 Department of Professional Regulation or its successor, the
25 Department of Financial and Professional Regulation, for the
26 purpose of animal euthanasia that holds an animal control

1 facility license or animal shelter license under the Animal
2 Welfare Act. A euthanasia agency is authorized to purchase,
3 store, possess, and utilize Schedule II nonnarcotic and
4 Schedule III nonnarcotic drugs for the sole purpose of animal
5 euthanasia.

6 (t-10) "Euthanasia drugs" means Schedule II or Schedule III
7 substances (nonnarcotic controlled substances) that are used
8 by a euthanasia agency for the purpose of animal euthanasia.

9 (u) "Good faith" means the prescribing or dispensing of a
10 controlled substance by a practitioner in the regular course of
11 professional treatment to or for any person who is under his
12 treatment for a pathology or condition other than that
13 individual's physical or psychological dependence upon or
14 addiction to a controlled substance, except as provided herein:
15 and application of the term to a pharmacist shall mean the
16 dispensing of a controlled substance pursuant to the
17 prescriber's order which in the professional judgment of the
18 pharmacist is lawful. The pharmacist shall be guided by
19 accepted professional standards including, but not limited to
20 the following, in making the judgment:

21 (1) lack of consistency of doctor-patient
22 relationship,

23 (2) frequency of prescriptions for same drug by one
24 prescriber for large numbers of patients,

25 (3) quantities beyond those normally prescribed,

26 (4) unusual dosages,

1 (5) unusual geographic distances between patient,
2 pharmacist and prescriber,

3 (6) consistent prescribing of habit-forming drugs.

4 (u-1) "Home infusion services" means services provided by a
5 pharmacy in compounding solutions for direct administration to
6 a patient in a private residence, long-term care facility, or
7 hospice setting by means of parenteral, intravenous,
8 intramuscular, subcutaneous, or intraspinal infusion.

9 (v) "Immediate precursor" means a substance:

10 (1) which the Department has found to be and by rule
11 designated as being a principal compound used, or produced
12 primarily for use, in the manufacture of a controlled
13 substance;

14 (2) which is an immediate chemical intermediary used or
15 likely to be used in the manufacture of such controlled
16 substance; and

17 (3) the control of which is necessary to prevent,
18 curtail or limit the manufacture of such controlled
19 substance.

20 (w) "Instructional activities" means the acts of teaching,
21 educating or instructing by practitioners using controlled
22 substances within educational facilities approved by the State
23 Board of Education or its successor agency.

24 (x) "Local authorities" means a duly organized State,
25 County or Municipal peace unit or police force.

26 (y) "Look-alike substance" means a substance, other than a

1 controlled substance which (1) by overall dosage unit
2 appearance, including shape, color, size, markings or lack
3 thereof, taste, consistency, or any other identifying physical
4 characteristic of the substance, would lead a reasonable person
5 to believe that the substance is a controlled substance, or (2)
6 is expressly or impliedly represented to be a controlled
7 substance or is distributed under circumstances which would
8 lead a reasonable person to believe that the substance is a
9 controlled substance. For the purpose of determining whether
10 the representations made or the circumstances of the
11 distribution would lead a reasonable person to believe the
12 substance to be a controlled substance under this clause (2) of
13 subsection (y), the court or other authority may consider the
14 following factors in addition to any other factor that may be
15 relevant:

16 (a) statements made by the owner or person in control
17 of the substance concerning its nature, use or effect;

18 (b) statements made to the buyer or recipient that the
19 substance may be resold for profit;

20 (c) whether the substance is packaged in a manner
21 normally used for the illegal distribution of controlled
22 substances;

23 (d) whether the distribution or attempted distribution
24 included an exchange of or demand for money or other
25 property as consideration, and whether the amount of the
26 consideration was substantially greater than the

1 reasonable retail market value of the substance.

2 Clause (1) of this subsection (y) shall not apply to a
3 noncontrolled substance in its finished dosage form that was
4 initially introduced into commerce prior to the initial
5 introduction into commerce of a controlled substance in its
6 finished dosage form which it may substantially resemble.

7 Nothing in this subsection (y) prohibits the dispensing or
8 distributing of noncontrolled substances by persons authorized
9 to dispense and distribute controlled substances under this
10 Act, provided that such action would be deemed to be carried
11 out in good faith under subsection (u) if the substances
12 involved were controlled substances.

13 Nothing in this subsection (y) or in this Act prohibits the
14 manufacture, preparation, propagation, compounding,
15 processing, packaging, advertising or distribution of a drug or
16 drugs by any person registered pursuant to Section 510 of the
17 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

18 (y-1) "Mail-order pharmacy" means a pharmacy that is
19 located in a state of the United States, other than Illinois,
20 that delivers, dispenses or distributes, through the United
21 States Postal Service or other common carrier, to Illinois
22 residents, any substance which requires a prescription.

23 (z) "Manufacture" means the production, preparation,
24 propagation, compounding, conversion or processing of a
25 controlled substance other than methamphetamine, either
26 directly or indirectly, by extraction from substances of

1 natural origin, or independently by means of chemical
2 synthesis, or by a combination of extraction and chemical
3 synthesis, and includes any packaging or repackaging of the
4 substance or labeling of its container, except that this term
5 does not include:

6 (1) by an ultimate user, the preparation or compounding
7 of a controlled substance for his own use; or

8 (2) by a practitioner, or his authorized agent under
9 his supervision, the preparation, compounding, packaging,
10 or labeling of a controlled substance:

11 (a) as an incident to his administering or
12 dispensing of a controlled substance in the course of
13 his professional practice; or

14 (b) as an incident to lawful research, teaching or
15 chemical analysis and not for sale.

16 (z-1) (Blank).

17 (aa) "Narcotic drug" means any of the following, whether
18 produced directly or indirectly by extraction from substances
19 of natural origin, or independently by means of chemical
20 synthesis, or by a combination of extraction and chemical
21 synthesis:

22 (1) opium and opiate, and any salt, compound,
23 derivative, or preparation of opium or opiate;

24 (2) any salt, compound, isomer, derivative, or
25 preparation thereof which is chemically equivalent or
26 identical with any of the substances referred to in clause

1 (1), but not including the isoquinoline alkaloids of opium;

2 (3) opium poppy and poppy straw;

3 (4) coca leaves and any salts, compound, isomer, salt
4 of an isomer, derivative, or preparation of coca leaves
5 including cocaine or ecgonine, and any salt, compound,
6 isomer, derivative, or preparation thereof which is
7 chemically equivalent or identical with any of these
8 substances, but not including decocainized coca leaves or
9 extractions of coca leaves which do not contain cocaine or
10 ecgonine (for the purpose of this paragraph, the term
11 "isomer" includes optical, positional and geometric
12 isomers).

13 (bb) "Nurse" means a registered nurse licensed under the
14 Nurse Practice Act.

15 (cc) (Blank).

16 (dd) "Opiate" means any substance having an addiction
17 forming or addiction sustaining liability similar to morphine
18 or being capable of conversion into a drug having addiction
19 forming or addiction sustaining liability.

20 (ee) "Opium poppy" means the plant of the species *Papaver*
21 *somniferum* L., except its seeds.

22 (ff) "Parole and Pardon Board" means the Parole and Pardon
23 Board of the State of Illinois or its successor agency.

24 (gg) "Person" means any individual, corporation,
25 mail-order pharmacy, government or governmental subdivision or
26 agency, business trust, estate, trust, partnership or

1 association, or any other entity.

2 (hh) "Pharmacist" means any person who holds a license or
3 certificate of registration as a registered pharmacist, a local
4 registered pharmacist or a registered assistant pharmacist
5 under the Pharmacy Practice Act.

6 (ii) "Pharmacy" means any store, ship or other place in
7 which pharmacy is authorized to be practiced under the Pharmacy
8 Practice Act.

9 (jj) "Poppy straw" means all parts, except the seeds, of
10 the opium poppy, after mowing.

11 (kk) "Practitioner" means a physician licensed to practice
12 medicine in all its branches, dentist, optometrist,
13 podiatrist, veterinarian, scientific investigator, pharmacist,
14 physician assistant, advanced practice nurse, licensed
15 practical nurse, registered nurse, hospital, laboratory, or
16 pharmacy, or other person licensed, registered, or otherwise
17 lawfully permitted by the United States or this State to
18 distribute, dispense, conduct research with respect to,
19 administer or use in teaching or chemical analysis, a
20 controlled substance in the course of professional practice or
21 research.

22 (ll) "Pre-printed prescription" means a written
23 prescription upon which the designated drug has been indicated
24 prior to the time of issuance.

25 (mm) "Prescriber" means a physician licensed to practice
26 medicine in all its branches, dentist, optometrist, podiatrist

1 or veterinarian who issues a prescription, a physician
2 assistant who issues a prescription for a Schedule III, IV, or
3 V controlled substance in accordance with Section 303.05 and
4 the written guidelines required under Section 7.5 of the
5 Physician Assistant Practice Act of 1987, or an advanced
6 practice nurse with prescriptive authority delegated under
7 Section 65-40 of the Nurse Practice Act and in accordance with
8 Section 303.05 and a written collaborative agreement under
9 Section 65-35 of the Nurse Practice Act.

10 (nn) "Prescription" means a lawful written, facsimile, or
11 verbal order of a physician licensed to practice medicine in
12 all its branches, dentist, podiatrist or veterinarian for any
13 controlled substance, of an optometrist for a Schedule III, IV,
14 or V controlled substance in accordance with Section 15.1 of
15 the Illinois Optometric Practice Act of 1987, of a physician
16 assistant for a Schedule III, IV, or V controlled substance in
17 accordance with Section 303.05 and the written guidelines
18 required under Section 7.5 of the Physician Assistant Practice
19 Act of 1987, or of an advanced practice nurse with prescriptive
20 authority delegated under Section 65-40 of the Nurse Practice
21 Act who issues a prescription for a Schedule III, IV, or V
22 controlled substance in accordance with Section 303.05 and a
23 written collaborative agreement under Section 65-35 of the
24 Nurse Practice Act.

25 (oo) "Production" or "produce" means manufacture,
26 planting, cultivating, growing, or harvesting of a controlled

1 substance other than methamphetamine.

2 (pp) "Registrant" means every person who is required to
3 register under Section 302 of this Act.

4 (qq) "Registry number" means the number assigned to each
5 person authorized to handle controlled substances under the
6 laws of the United States and of this State.

7 (rr) "State" includes the State of Illinois and any state,
8 district, commonwealth, territory, insular possession thereof,
9 and any area subject to the legal authority of the United
10 States of America.

11 (ss) "Ultimate user" means a person who lawfully possesses
12 a controlled substance for his own use or for the use of a
13 member of his household or for administering to an animal owned
14 by him or by a member of his household.

15 (Source: P.A. 94-556, eff. 9-11-05; 95-242, eff. 1-1-08;
16 95-639, eff. 10-5-07; 95-689, eff. 10-29-07; revised
17 11-19-07.)

18 (720 ILCS 570/301) (from Ch. 56 1/2, par. 1301)

19 Sec. 301. The Department of Financial and Professional
20 Regulation shall promulgate rules and charge reasonable fees
21 and fines relating to the registration and control of the
22 manufacture, distribution, and dispensing of controlled
23 substances within this State. All moneys received by the
24 Department of Financial and Professional Regulation or its
25 predecessor, the Department of Professional Regulation, under

1 this Act shall be deposited into the respective professional
2 dedicated funds in like manner as the primary professional
3 licenses.

4 A pharmacy, manufacturer of controlled substances, or
5 wholesale distributor of controlled substances that is
6 regulated under this Act and owned and operated by the State is
7 exempt from fees required under this Act. Pharmacists and
8 pharmacy technicians working in facilities owned and operated
9 by the State are not exempt from the payment of fees required
10 by this Act and any rules adopted under this Act. Nothing in
11 this Section shall be construed to prohibit the Department from
12 imposing any fine or other penalty allowed under this Act.

13 (Source: P.A. 95-689, eff. 10-29-07.)

14 (720 ILCS 570/302) (from Ch. 56 1/2, par. 1302)

15 Sec. 302. (a) Every person who manufactures, distributes,
16 or dispenses any controlled substances, or engages in chemical
17 analysis, and instructional activities which utilize
18 controlled substances, or who purchases, stores, or
19 administers euthanasia drugs, within this State or who proposes
20 to engage in the manufacture, distribution, or dispensing of
21 any controlled substance, or to engage in chemical analysis,
22 and instructional activities which utilize controlled
23 substances, or to engage in purchasing, storing, or
24 administering euthanasia drugs, within this State, must obtain
25 a registration issued by the Department of Financial and

1 Professional Regulation in accordance with its rules. The rules
2 shall include, but not be limited to, setting the expiration
3 date and renewal period for each registration under this Act.
4 The Department, and any facility or service licensed by the
5 Department, shall be exempt from the regulation requirements of
6 this Section.

7 (b) Persons registered by the Department of Financial and
8 Professional Regulation or its predecessor, the Department of
9 Professional Regulation, under this Act to manufacture,
10 distribute, or dispense controlled substances, or purchase,
11 store, or administer euthanasia drugs, may possess,
12 manufacture, distribute, or dispense those substances, or
13 purchase, store, or administer euthanasia drugs, to the extent
14 authorized by their registration and in conformity with the
15 other provisions of this Article.

16 (c) The following persons need not register and may
17 lawfully possess controlled substances under this Act:

18 (1) an agent or employee of any registered
19 manufacturer, distributor, or dispenser of any controlled
20 substance if he is acting in the usual course of his
21 employer's lawful business or employment;

22 (2) a common or contract carrier or warehouseman, or an
23 agent or employee thereof, whose possession of any
24 controlled substance is in the usual lawful course of such
25 business or employment;

26 (3) an ultimate user or a person in possession of any

1 controlled substance pursuant to a lawful prescription of a
2 practitioner or in lawful possession of a Schedule V
3 substance;

4 (4) officers and employees of this State or of the
5 United States while acting in the lawful course of their
6 official duties which requires possession of controlled
7 substances;

8 (5) a registered pharmacist who is employed in, or the
9 owner of, a pharmacy licensed under this Act and the
10 Federal Controlled Substances Act, at the licensed
11 location, or if he is acting in the usual course of his
12 lawful profession, business, or employment.

13 (d) A separate registration is required at each place of
14 business or professional practice where the applicant
15 manufactures, distributes, or dispenses controlled substances,
16 or purchases, stores, or administers euthanasia drugs. Persons
17 are required to obtain a separate registration for each place
18 of business or professional practice where controlled
19 substances are located or stored. A separate registration is
20 not required for every location at which a controlled substance
21 may be prescribed.

22 (e) The Department of Financial and Professional
23 Regulation or the Department of State Police may inspect the
24 controlled premises, as defined in Section 502 of this Act, of
25 a registrant or applicant for registration in accordance with
26 this Act and the rules promulgated hereunder and with regard to

1 persons licensed by the Department, in accordance with
2 subsection (bb) of Section 30-5 of the Alcoholism and Other
3 Drug Abuse and Dependency Act and the rules and regulations
4 promulgated thereunder.

5 (Source: P.A. 93-626, eff. 12-23-03.)

6 (720 ILCS 570/303) (from Ch. 56 1/2, par. 1303)

7 Sec. 303. (a) The Department of Financial and Professional
8 Regulation shall license an applicant to manufacture,
9 distribute or dispense controlled substances included in
10 Sections 204, 206, 208, 210 and 212 of this Act or purchase,
11 store, or administer euthanasia drugs unless it determines that
12 the issuance of that license would be inconsistent with the
13 public interest. In determining the public interest, the
14 Department of Financial and Professional Regulation shall
15 consider the following:

16 (1) maintenance of effective controls against
17 diversion of controlled substances into other than lawful
18 medical, scientific, or industrial channels;

19 (2) compliance with applicable Federal, State and
20 local law;

21 (3) any convictions of the applicant under any law of
22 the United States or of any State relating to any
23 controlled substance;

24 (4) past experience in the manufacture or distribution
25 of controlled substances, and the existence in the

1 applicant's establishment of effective controls against
2 diversion;

3 (5) furnishing by the applicant of false or fraudulent
4 material in any application filed under this Act;

5 (6) suspension or revocation of the applicant's
6 Federal registration to manufacture, distribute, or
7 dispense controlled substances, or purchase, store, or
8 administer euthanasia drugs, as authorized by Federal law;

9 (7) whether the applicant is suitably equipped with the
10 facilities appropriate to carry on the operation described
11 in his application;

12 (8) whether the applicant is of good moral character
13 or, if the applicant is a partnership, association,
14 corporation or other organization, whether the partners,
15 directors, governing committee and managing officers are
16 of good moral character;

17 (9) any other factors relevant to and consistent with
18 the public health and safety; and

19 (10) evidence from court, medical disciplinary and
20 pharmacy board records and those of State and Federal
21 investigatory bodies that the applicant has not or does not
22 prescribe controlled substances within the provisions of
23 this Act.

24 (b) No license shall be granted to or renewed for any
25 person who has within 5 years been convicted of a wilful
26 violation of any law of the United States or any law of any

1 State relating to controlled substances, or who is found to be
2 deficient in any of the matters enumerated in subsections
3 (a) (1) through (a) (8).

4 (c) Licensure under subsection (a) does not entitle a
5 registrant to manufacture, distribute or dispense controlled
6 substances in Schedules I or II other than those specified in
7 the registration.

8 (d) Practitioners who are licensed to dispense any
9 controlled substances in Schedules II through V are authorized
10 to conduct instructional activities with controlled substances
11 in Schedules II through V under the law of this State.

12 (e) If an applicant for registration is registered under
13 the Federal law to manufacture, distribute or dispense
14 controlled substances, or purchase, store, or administer
15 euthanasia drugs, upon filing a completed application for
16 licensure in this State and payment of all fees due hereunder,
17 he shall be licensed in this State to the same extent as his
18 Federal registration, unless, within 30 days after completing
19 his application in this State, the Department of Financial and
20 Professional Regulation notifies the applicant that his
21 application has not been granted. A practitioner who is in
22 compliance with the Federal law with respect to registration to
23 dispense controlled substances in Schedules II through V need
24 only send a current copy of that Federal registration to the
25 Department of Financial and Professional Regulation and he
26 shall be deemed in compliance with the registration provisions

1 of this State.

2 (e-5) Beginning July 1, 2003, all of the fees and fines
3 collected under this Section 303 shall be deposited into the
4 Illinois State Pharmacy Disciplinary Fund.

5 (f) The fee for registration as a manufacturer or wholesale
6 distributor of controlled substances shall be \$50.00 per year,
7 except that the fee for registration as a manufacturer or
8 wholesale distributor of controlled substances that may be
9 dispensed without a prescription under this Act shall be \$15.00
10 per year. The expiration date and renewal period for each
11 controlled substance license issued under this Act shall be set
12 by rule.

13 (Source: P.A. 93-32, eff. 7-1-03; 93-626, eff. 12-23-03.)

14 (720 ILCS 570/303.05)

15 Sec. 303.05. Mid-level practitioner registration.

16 (a) The Department of Financial and Professional
17 Regulation shall register licensed physician assistants and
18 licensed advanced practice nurses to prescribe and dispense
19 Schedule III, IV, or V controlled substances under Section 303
20 and euthanasia agencies to purchase, store, or administer
21 euthanasia drugs under the following circumstances:

22 (1) with respect to physician assistants or advanced
23 practice nurses,

24 (A) the physician assistant or advanced practice
25 nurse has been delegated prescriptive authority by a

1 physician licensed to practice medicine in all its
2 branches in accordance with Section 7.5 of the
3 Physician Assistant Practice Act of 1987 or Section
4 65-40 of the Nurse Practice Act; and

5 (B) the physician assistant or advanced practice
6 nurse has completed the appropriate application forms
7 and has paid the required fees as set by rule; or

8 (2) with respect to euthanasia agencies, the
9 euthanasia agency has obtained a license from the
10 Department of Professional Regulation or its successor,
11 the Department of Financial and Professional Regulation,
12 and obtained a registration number from the Department.

13 (b) The mid-level practitioner shall only be licensed to
14 prescribe those schedules of controlled substances for which a
15 licensed physician has delegated prescriptive authority,
16 except that a euthanasia agency does not have any prescriptive
17 authority.

18 (c) Upon completion of all registration requirements,
19 physician assistants, advanced practice nurses, and euthanasia
20 agencies shall be issued a mid-level practitioner controlled
21 substances license for Illinois.

22 (Source: P.A. 95-639, eff. 10-5-07.)

23 (720 ILCS 570/303.1) (from Ch. 56 1/2, par. 1303.1)

24 Sec. 303.1. Any person who delivers a check or other
25 payment to the Department of Financial and Professional

1 Regulation that is returned to the Department unpaid by the
2 financial institution upon which it is drawn shall pay to the
3 Department, in addition to the amount already owed to the
4 Department, a fine of \$50. If the check or other payment was
5 for a renewal or issuance fee and that person practices without
6 paying the renewal fee or issuance fee and the fine due, an
7 additional fine of \$100 shall be imposed. The fines imposed by
8 this Section are in addition to any other discipline provided
9 under this Act for unlicensed practice or practice on a
10 nonrenewed license. The Department of Financial and
11 Professional Regulation shall notify the person that payment of
12 fees and fines shall be paid to the Department by certified
13 check or money order within 30 calendar days of the
14 notification. If, after the expiration of 30 days from the date
15 of the notification, the person has failed to submit the
16 necessary remittance, the Department of Financial and
17 Professional Regulation shall automatically terminate the
18 license or certificate or deny the application, without
19 hearing. If, after termination or denial, the person seeks a
20 license or certificate, he or she shall apply to the Department
21 for restoration or issuance of the license or certificate and
22 pay all fees and fines due to the Department. The Department of
23 Financial and Professional Regulation may establish a fee for
24 the processing of an application for restoration of a license
25 or certificate to pay all expenses of processing this
26 application. The Director may waive the fines due under this

1 Section in individual cases where the Director finds that the
2 fines would be unreasonable or unnecessarily burdensome.

3 (Source: P.A. 89-507, eff. 7-1-97.)

4 (720 ILCS 570/304) (from Ch. 56 1/2, par. 1304)

5 Sec. 304. (a) A registration under Section 303 to
6 manufacture, distribute, or dispense a controlled substance or
7 purchase, store, or administer euthanasia drugs may be
8 suspended or revoked by the Department of Financial and
9 Professional Regulation upon a finding that the registrant:

10 (1) has furnished any false or fraudulent material
11 information in any application filed under this Act; or

12 (2) has been convicted of a felony under any law of the
13 United States or any State relating to any controlled
14 substance; or

15 (3) has had suspended or revoked his Federal
16 registration to manufacture, distribute, or dispense
17 controlled substances or purchase, store, or administer
18 euthanasia drugs; or

19 (4) has been convicted of bribery, perjury, or other
20 infamous crime under the laws of the United States or of
21 any State; or

22 (5) has violated any provision of this Act or any rules
23 promulgated hereunder, or any provision of the
24 Methamphetamine Precursor Control Act or rules promulgated
25 thereunder, whether or not he has been convicted of such

1 violation; or

2 (6) has failed to provide effective controls against
3 the diversion of controlled substances in other than
4 legitimate medical, scientific or industrial channels.

5 (b) The Department of Financial and Professional
6 Regulation may limit revocation or suspension of a registration
7 to the particular controlled substance with respect to which
8 grounds for revocation or suspension exist.

9 (c) The Department of Financial and Professional
10 Regulation shall promptly notify the Administration, the
11 Department and the Department of State Police or their
12 successor agencies, of all orders denying, suspending or
13 revoking registration, all forfeitures of controlled
14 substances, and all final court dispositions, if any, of such
15 denials, suspensions, revocations or forfeitures.

16 (d) If Federal registration of any registrant is suspended,
17 revoked, refused renewal or refused issuance, then the
18 Department of Financial and Professional Regulation shall
19 issue a notice and conduct a hearing in accordance with Section
20 305 of this Act.

21 (Source: P.A. 93-626, eff. 12-23-03; 94-694, eff. 1-15-06.)

22 (720 ILCS 570/305) (from Ch. 56 1/2, par. 1305)

23 Sec. 305. (a) Before denying, refusing renewal of,
24 suspending or revoking a registration, the Department of
25 Financial and Professional Regulation shall serve upon the

1 applicant or registrant, by registered mail at the address in
2 the application or registration or by any other means
3 authorized under the Civil Practice Law or Rules of the
4 Illinois Supreme Court for the service of summons or subpoenas,
5 a notice of hearing to determine why registration should not be
6 denied, refused renewal, suspended or revoked. The notice shall
7 contain a statement of the basis therefor and shall call upon
8 the applicant or registrant to appear before the Department of
9 Financial and Professional Regulation at a reasonable time and
10 place. These proceedings shall be conducted in accordance with
11 Sections 2105-5, 2105-15, 2105-100, 2105-105, 2105-110,
12 2105-115, 2105-120, 2105-125, 2105-175, and 2105-325 of the
13 Department of Financial and Professional Regulation
14 (Professional Regulation) Law (20 ILCS 2105/2105-5,
15 2105/2105-15, 2105/2105-100, 2105/2105-105, 2105/2105-110,
16 2105/2105-115, 2105/2105-120, 2105/2105-125, 2105/2105-175,
17 and 2105/2105-325), without regard to any criminal prosecution
18 or other proceeding. Except as authorized in subsection (c),
19 proceedings to refuse renewal or suspend or revoke registration
20 shall not abate the existing registration, which shall remain
21 in effect until the Department of Financial and Professional
22 Regulation has held the hearing called for in the notice and
23 found, with input from the appropriate licensure or
24 disciplinary board, that the registration shall no longer
25 remain in effect.

26 (b) The Director may appoint an attorney duly licensed to

1 practice law in the State of Illinois to serve as the hearing
2 officer in any action to deny, refuse to renew, suspend, or
3 revoke, or take any other disciplinary action with regard to a
4 registration. The hearing officer shall have full authority to
5 conduct the hearing. The hearing officer shall report his or
6 her findings and recommendations to the appropriate licensure
7 or disciplinary board within 30 days after receiving the
8 record. The Disciplinary Board shall have 60 days from receipt
9 of the report to review the report of the hearing officer and
10 present its findings of fact, conclusions of law, and
11 recommendations to the Director.

12 (c) If the Department of Financial and Professional
13 Regulation finds that there is an imminent danger to the public
14 health or safety by the continued manufacture, distribution or
15 dispensing of controlled substances by the registrant, the
16 Department of Financial and Professional Regulation may, upon
17 the issuance of a written ruling stating the reasons for such
18 finding and without notice or hearing, suspend such registrant.
19 The suspension shall continue in effect for not more than 14
20 days during which time the registrant shall be given a hearing
21 on the issues involved in the suspension. If after the hearing,
22 and after input from the appropriate licensure or disciplinary
23 board, the Department of Financial and Professional Regulation
24 finds that the public health or safety requires the suspension
25 to remain in effect it shall so remain until the ruling is
26 terminated by its own terms or subsequent ruling or is

1 dissolved by a circuit court upon determination that the
2 suspension was wholly without basis in fact and law.

3 (d) If, after a hearing as provided in subsection (a), the
4 Department of Financial and Professional Regulation finds that
5 a registration should be refused renewal, suspended or revoked,
6 a written ruling to that effect shall be entered. The
7 Department of Financial and Professional Regulation's ruling
8 shall remain in effect until the ruling is terminated by its
9 own terms or subsequent ruling or is dissolved by a circuit
10 court upon a determination that the refusal to renew suspension
11 or revocation was wholly without basis in fact and law.

12 (Source: P.A. 91-239, eff. 1-1-00.)

13 (720 ILCS 570/306) (from Ch. 56 1/2, par. 1306)

14 Sec. 306. Every practitioner and person who is required
15 under this Act to be registered to manufacture, distribute or
16 dispense controlled substances or purchase, store, or
17 administer euthanasia drugs under this Act shall keep records
18 and maintain inventories in conformance with the recordkeeping
19 and inventory requirements of the laws of the United States and
20 with any additional rules and forms issued by the Department of
21 Financial and Professional Regulation.

22 (Source: P.A. 93-626, eff. 12-23-03.)

23 (720 ILCS 570/312) (from Ch. 56 1/2, par. 1312)

24 Sec. 312. Requirements for dispensing controlled

1 substances.

2 (a) A practitioner, in good faith, may dispense a Schedule
3 II controlled substance, which is a narcotic drug listed in
4 Section 206 of this Act; or which contains any quantity of
5 amphetamine or methamphetamine, their salts, optical isomers
6 or salts of optical isomers; phenmetrazine and its salts; or
7 pentazocine; and Schedule III, IV, or V controlled substances
8 to any person upon a written prescription of any prescriber,
9 dated and signed by the person prescribing on the day when
10 issued and bearing the name and address of the patient for
11 whom, or the owner of the animal for which the controlled
12 substance is dispensed, and the full name, address and registry
13 number under the laws of the United States relating to
14 controlled substances of the prescriber, if he is required by
15 those laws to be registered. If the prescription is for an
16 animal it shall state the species of animal for which it is
17 ordered. The practitioner filling the prescription shall write
18 the date of filling and his own signature on the face of the
19 written prescription. The written prescription shall be
20 retained on file by the practitioner who filled it or pharmacy
21 in which the prescription was filled for a period of 2 years,
22 so as to be readily accessible for inspection or removal by any
23 officer or employee engaged in the enforcement of this Act.
24 Whenever the practitioner's or pharmacy's copy of any
25 prescription is removed by an officer or employee engaged in
26 the enforcement of this Act, for the purpose of investigation

1 or as evidence, such officer or employee shall give to the
2 practitioner or pharmacy a receipt in lieu thereof. A
3 prescription for a Schedule II controlled substance shall not
4 be filled more than 7 days after the date of issuance. A
5 written prescription for Schedule III, IV or V controlled
6 substances shall not be filled or refilled more than 6 months
7 after the date thereof or refilled more than 5 times unless
8 renewed, in writing, by the prescriber.

9 (b) In lieu of a written prescription required by this
10 Section, a pharmacist, in good faith, may dispense Schedule
11 III, IV, or V substances to any person either upon receiving a
12 facsimile of a written, signed prescription transmitted by the
13 prescriber or the prescriber's agent or upon a lawful oral
14 prescription of a prescriber which oral prescription shall be
15 reduced promptly to writing by the pharmacist and such written
16 memorandum thereof shall be dated on the day when such oral
17 prescription is received by the pharmacist and shall bear the
18 full name and address of the ultimate user for whom, or of the
19 owner of the animal for which the controlled substance is
20 dispensed, and the full name, address, and registry number
21 under the law of the United States relating to controlled
22 substances of the prescriber prescribing if he is required by
23 those laws to be so registered, and the pharmacist filling such
24 oral prescription shall write the date of filling and his own
25 signature on the face of such written memorandum thereof. The
26 facsimile copy of the prescription or written memorandum of the

1 oral prescription shall be retained on file by the proprietor
2 of the pharmacy in which it is filled for a period of not less
3 than two years, so as to be readily accessible for inspection
4 by any officer or employee engaged in the enforcement of this
5 Act in the same manner as a written prescription. The facsimile
6 copy of the prescription or oral prescription and the written
7 memorandum thereof shall not be filled or refilled more than 6
8 months after the date thereof or be refilled more than 5 times,
9 unless renewed, in writing, by the prescriber.

10 (c) Except for any non-prescription targeted
11 methamphetamine precursor regulated by the Methamphetamine
12 Precursor Control Act, a controlled substance included in
13 Schedule V shall not be distributed or dispensed other than for
14 a medical purpose and not for the purpose of evading this Act,
15 and then:

16 (1) only personally by a person registered to dispense
17 a Schedule V controlled substance and then only to his
18 patients, or

19 (2) only personally by a pharmacist, and then only to a
20 person over 21 years of age who has identified himself to
21 the pharmacist by means of 2 positive documents of
22 identification.

23 (3) the dispenser shall record the name and address of
24 the purchaser, the name and quantity of the product, the
25 date and time of the sale, and the dispenser's signature.

26 (4) no person shall purchase or be dispensed more than

1 120 milliliters or more than 120 grams of any Schedule V
2 substance which contains codeine, dihydrocodeine, or any
3 salts thereof, or ethylmorphine, or any salts thereof, in
4 any 96 hour period. The purchaser shall sign a form,
5 approved by the Department of Financial and Professional
6 Regulation, attesting that he has not purchased any
7 Schedule V controlled substances within the immediately
8 preceding 96 hours.

9 (5) a copy of the records of sale, including all
10 information required by paragraph (3), shall be forwarded
11 to the Department of Financial and Professional Regulation
12 at its principal office by the 15th day of the following
13 month.

14 (6) all records of purchases and sales shall be
15 maintained for not less than 2 years.

16 (7) no person shall obtain or attempt to obtain within
17 any consecutive 96 hour period any Schedule V substances of
18 more than 120 milliliters or more than 120 grams containing
19 codeine, dihydrocodeine or any of its salts, or
20 ethylmorphine or any of its salts. Any person obtaining any
21 such preparations or combination of preparations in excess
22 of this limitation shall be in unlawful possession of such
23 controlled substance.

24 (8) a person qualified to dispense controlled
25 substances under this Act and registered thereunder shall
26 at no time maintain or keep in stock a quantity of Schedule

1 V controlled substances defined and listed in Section 212
2 (b) (1), (2) or (3) in excess of 4.5 liters for each
3 substance; a pharmacy shall at no time maintain or keep in
4 stock a quantity of Schedule V controlled substances as
5 defined in excess of 4.5 liters for each substance, plus
6 the additional quantity of controlled substances necessary
7 to fill the largest number of prescription orders filled by
8 that pharmacy for such controlled substances in any one
9 week in the previous year. These limitations shall not
10 apply to Schedule V controlled substances which Federal law
11 prohibits from being dispensed without a prescription.

12 (9) no person shall distribute or dispense butyl
13 nitrite for inhalation or other introduction into the human
14 body for euphoric or physical effect.

15 (d) Every practitioner shall keep a record of controlled
16 substances received by him and a record of all such controlled
17 substances administered, dispensed or professionally used by
18 him otherwise than by prescription. It shall, however, be
19 sufficient compliance with this paragraph if any practitioner
20 utilizing controlled substances listed in Schedules III, IV and
21 V shall keep a record of all those substances dispensed and
22 distributed by him other than those controlled substances which
23 are administered by the direct application of a controlled
24 substance, whether by injection, inhalation, ingestion, or any
25 other means to the body of a patient or research subject. A
26 practitioner who dispenses, other than by administering, a

1 controlled substance in Schedule II, which is a narcotic drug
2 listed in Section 206 of this Act, or which contains any
3 quantity of amphetamine or methamphetamine, their salts,
4 optical isomers or salts of optical isomers, pentazocine, or
5 methaqualone shall do so only upon the issuance of a written
6 prescription blank by a prescriber.

7 (e) Whenever a manufacturer distributes a controlled
8 substance in a package prepared by him, and whenever a
9 wholesale distributor distributes a controlled substance in a
10 package prepared by him or the manufacturer, he shall securely
11 affix to each package in which that substance is contained a
12 label showing in legible English the name and address of the
13 manufacturer, the distributor and the quantity, kind and form
14 of controlled substance contained therein. No person except a
15 pharmacist and only for the purposes of filling a prescription
16 under this Act, shall alter, deface or remove any label so
17 affixed.

18 (f) Whenever a practitioner dispenses any controlled
19 substance except a non-prescription targeted methamphetamine
20 precursor regulated by the Methamphetamine Precursor Control
21 Act, he shall affix to the container in which such substance is
22 sold or dispensed, a label indicating the date of initial
23 filling, the practitioner's name and address, the name of the
24 patient, the name of the prescriber, the directions for use and
25 cautionary statements, if any, contained in any prescription or
26 required by law, the proprietary name or names or the

1 established name of the controlled substance, and the dosage
2 and quantity, except as otherwise authorized by regulation by
3 the Department of Financial and Professional Regulation. No
4 person shall alter, deface or remove any label so affixed.

5 (g) A person to whom or for whose use any controlled
6 substance has been prescribed or dispensed by a practitioner,
7 or other persons authorized under this Act, and the owner of
8 any animal for which such substance has been prescribed or
9 dispensed by a veterinarian, may lawfully possess such
10 substance only in the container in which it was delivered to
11 him by the person dispensing such substance.

12 (h) The responsibility for the proper prescribing or
13 dispensing of controlled substances is upon the prescriber and
14 the responsibility for the proper filling of a prescription for
15 controlled substance drugs rests with the pharmacist. An order
16 purporting to be a prescription issued to any individual, which
17 is not in the regular course of professional treatment nor part
18 of an authorized methadone maintenance program, nor in
19 legitimate and authorized research instituted by any
20 accredited hospital, educational institution, charitable
21 foundation, or federal, state or local governmental agency, and
22 which is intended to provide that individual with controlled
23 substances sufficient to maintain that individual's or any
24 other individual's physical or psychological addiction,
25 habitual or customary use, dependence, or diversion of that
26 controlled substance is not a prescription within the meaning

1 and intent of this Act; and the person issuing it, shall be
2 subject to the penalties provided for violations of the law
3 relating to controlled substances.

4 (i) A prescriber shall not preprint or cause to be
5 preprinted a prescription for any controlled substance; nor
6 shall any practitioner issue, fill or cause to be issued or
7 filled, a preprinted prescription for any controlled
8 substance.

9 (j) No person shall manufacture, dispense, deliver,
10 possess with intent to deliver, prescribe, or administer or
11 cause to be administered under his direction any anabolic
12 steroid, for any use in humans other than the treatment of
13 disease in accordance with the order of a physician licensed to
14 practice medicine in all its branches for a valid medical
15 purpose in the course of professional practice. The use of
16 anabolic steroids for the purpose of hormonal manipulation that
17 is intended to increase muscle mass, strength or weight without
18 a medical necessity to do so, or for the intended purpose of
19 improving physical appearance or performance in any form of
20 exercise, sport, or game, is not a valid medical purpose or in
21 the course of professional practice.

22 (Source: P.A. 94-694, eff. 1-15-06; 94-830, eff. 6-5-06.)

23 (720 ILCS 570/313) (from Ch. 56 1/2, par. 1313)

24 Sec. 313.

25 (a) Controlled substances which are lawfully administered

1 in hospitals or institutions licensed under the "Hospital
2 Licensing Act" shall be exempt from the requirements of
3 Sections 312 and 316 except that the prescription for the
4 controlled substance shall be in writing on the patient's
5 record, signed by the prescriber, dated, and shall state the
6 name, and quantity of controlled substances ordered and the
7 quantity actually administered. The records of such
8 prescriptions shall be maintained for two years and shall be
9 available for inspection by officers and employees of the
10 Department of State Police, and the Department of Financial and
11 Professional Regulation.

12 (b) Controlled substances that can lawfully be
13 administered or dispensed directly to a patient in a long-term
14 care facility licensed by the Department of Public Health as a
15 skilled nursing facility, intermediate care facility, or
16 long-term care facility for residents under 22 years of age,
17 are exempt from the requirements of Section 312 except that a
18 prescription for a Schedule II controlled substance must be
19 either a written prescription signed by the prescriber or a
20 written prescription transmitted by the prescriber or
21 prescriber's agent to the dispensing pharmacy by facsimile. The
22 facsimile serves as the original prescription and must be
23 maintained for 2 years from the date of issue in the same
24 manner as a written prescription signed by the prescriber.

25 (c) A prescription that is written for a Schedule II
26 controlled substance to be compounded for direct

1 administration by parenteral, intravenous, intramuscular,
2 subcutaneous, or intraspinal infusion to a patient in a private
3 residence, long-term care facility, or hospice program may be
4 transmitted by facsimile by the prescriber or the prescriber's
5 agent to the pharmacy providing the home infusion services. The
6 facsimile serves as the original written prescription for
7 purposes of this paragraph (c) and it shall be maintained in
8 the same manner as the original written prescription.

9 (c-1) A prescription written for a Schedule II controlled
10 substance for a patient residing in a hospice certified by
11 Medicare under Title XVIII of the Social Security Act or
12 licensed by the State may be transmitted by the practitioner or
13 the practitioner's agent to the dispensing pharmacy by
14 facsimile. The practitioner or practitioner's agent must note
15 on the prescription that the patient is a hospice patient. The
16 facsimile serves as the original written prescription for
17 purposes of this paragraph (c-1) and it shall be maintained in
18 the same manner as the original written prescription.

19 (d) Controlled substances which are lawfully administered
20 and/or dispensed in drug abuse treatment programs licensed by
21 the Department shall be exempt from the requirements of
22 Sections 312 and 316, except that the prescription for such
23 controlled substances shall be issued and authenticated on
24 official prescription logs prepared and supplied by the
25 Department. The official prescription logs issued by the
26 Department shall be printed in triplicate on distinctively

1 marked paper and furnished to programs at reasonable cost. The
2 official prescription logs furnished to the programs shall
3 contain, in preprinted form, such information as the Department
4 may require. The official prescription logs shall be properly
5 endorsed by a physician licensed to practice medicine in all
6 its branches issuing the order, with his own signature and the
7 date of ordering, and further endorsed by the practitioner
8 actually administering or dispensing the dosage at the time of
9 such administering or dispensing in accordance with
10 requirements issued by the Department. The duplicate copy shall
11 be retained by the program for a period of not less than three
12 years nor more than seven years; the original and triplicate
13 copy shall be returned to the Department at its principal
14 office in accordance with requirements set forth by the
15 Department.

16 (Source: P.A. 95-442, eff. 1-1-08.)

17 (720 ILCS 570/501) (from Ch. 56 1/2, par. 1501)

18 Sec. 501. (a) It is hereby made the duty of the Department
19 of Financial and Professional Regulation and the Department of
20 State Police, and their agents, officers, and investigators, to
21 enforce all provisions of this Act, except those specifically
22 delegated, and to cooperate with all agencies charged with the
23 enforcement of the laws of the United States, or of any State,
24 relating to controlled substances. Only an agent, officer, or
25 investigator designated by the Director may: (1) for the

1 purpose of inspecting, copying, and verifying the correctness
2 of records, reports or other documents required to be kept or
3 made under this Act and otherwise facilitating the execution of
4 the functions of the Department of Financial and Professional
5 Regulation or the Department of State Police, be authorized in
6 accordance with this Section to enter controlled premises and
7 to conduct administrative inspections thereof and of the things
8 specified; or (2) execute and serve administrative inspection
9 notices, warrants, subpoenas, and summonses under the
10 authority of this State. Any inspection or administrative entry
11 of persons licensed by the Department shall be made in
12 accordance with subsection (bb) of Section 30-5 of the
13 Alcoholism and Other Drug Abuse and Dependency Act and the
14 rules and regulations promulgated thereunder.

15 (b) Administrative entries and inspections designated in
16 clause (1) of subsection (a) shall be carried out through
17 agents, officers, investigators and peace officers
18 (hereinafter referred to as "inspectors") designated by the
19 Director. Any inspector, upon stating his or her purpose and
20 presenting to the owner, operator, or agent in charge of the
21 premises (1) appropriate credentials and (2) a written notice
22 of his or her inspection authority (which notice, in the case
23 of an inspection requiring or in fact supported by an
24 administrative inspection warrant, shall consist of that
25 warrant), shall have the right to enter the premises and
26 conduct the inspection at reasonable times.

1 Inspectors appointed by the Director under this Section 501
2 are conservators of the peace and as such have all the powers
3 possessed by policemen in cities and by sheriffs, except that
4 they may exercise such powers anywhere in the State.

5 (c) Except as may otherwise be indicated in an applicable
6 inspection warrant, the inspector shall have the right:

7 (1) to inspect and copy records, reports and other
8 documents required to be kept or made under this Act;

9 (2) to inspect, within reasonable limits and in a
10 reasonable manner, controlled premises and all pertinent
11 equipment, finished and unfinished drugs and other
12 substances or materials, containers and labeling found
13 therein, and all other things therein (including records,
14 files, papers, processes, controls and facilities)
15 appropriate for verification of the records, reports and
16 documents referred to in item (1) or otherwise bearing on
17 the provisions of this Act; and

18 (3) to inventory any stock of any controlled substance.

19 (d) Except when the owner, operator, or agent in charge of
20 the controlled premises so consents in writing, no inspection
21 authorized by this Section shall extend to:

22 (1) financial data;

23 (2) sales data other than shipment data; or

24 (3) pricing data.

25 Any inspection or administrative entry of persons licensed
26 by the Department shall be made in accordance with subsection

1 (bb) of Section 30-5 of the Alcoholism and Other Drug Abuse and
2 Dependency Act and the rules and regulations promulgated
3 thereunder.

4 (e) Any agent, officer, investigator or peace officer
5 designated by the Director may (1) make seizure of property
6 pursuant to the provisions of this Act; and (2) perform such
7 other law enforcement duties as the Director shall designate.
8 It is hereby made the duty of all State's Attorneys to
9 prosecute violations of this Act and institute legal
10 proceedings as authorized under this Act.

11 (Source: P.A. 88-670, eff. 12-2-94; 89-202, eff. 10-1-95.)

12 (720 ILCS 570/501.1) (from Ch. 56 1/2, par. 1501.1)

13 Sec. 501.1. Administrative Procedure Act. The Illinois
14 Administrative Procedure Act is hereby expressly adopted and
15 incorporated herein, but shall apply only to the Department of
16 Financial and Professional Regulation, as if all of the
17 provisions of that Act were included in this Act, except that
18 the provision of subsection (d) of Section 10-65 of the
19 Illinois Administrative Procedure Act which provides that at
20 hearings the licensee has the right to show compliance with all
21 lawful requirements for retention, continuation or renewal of
22 the license is specifically excluded. For the purposes of this
23 Act the notice required under Section 10-25 of the Illinois
24 Administrative Procedure Act is deemed sufficient when mailed
25 to the last known address of a party.

1 (Source: P.A. 88-45.)

2 (720 ILCS 570/505) (from Ch. 56 1/2, par. 1505)

3 Sec. 505.

4 (a) The following are subject to forfeiture:

5 (1) all substances which have been manufactured,
6 distributed, dispensed, or possessed in violation of this
7 Act;

8 (2) all raw materials, products and equipment of any
9 kind which are used, or intended for use in manufacturing,
10 distributing, dispensing, administering or possessing any
11 substance in violation of this Act;

12 (3) all conveyances, including aircraft, vehicles or
13 vessels, which are used, or intended for use, to transport,
14 or in any manner to facilitate the transportation, sale,
15 receipt, possession, or concealment of property described
16 in paragraphs (1) and (2), but:

17 (i) no conveyance used by any person as a common
18 carrier in the transaction of business as a common
19 carrier is subject to forfeiture under this Section
20 unless it appears that the owner or other person in
21 charge of the conveyance is a consenting party or privy
22 to a violation of this Act;

23 (ii) no conveyance is subject to forfeiture under
24 this Section by reason of any act or omission which the
25 owner proves to have been committed or omitted without

1 his knowledge or consent;

2 (iii) a forfeiture of a conveyance encumbered by a
3 bona fide security interest is subject to the interest
4 of the secured party if he neither had knowledge of nor
5 consented to the act or omission;

6 (4) all money, things of value, books, records, and
7 research products and materials including formulas,
8 microfilm, tapes, and data which are used, or intended to
9 be used in violation of this Act;

10 (5) everything of value furnished, or intended to be
11 furnished, in exchange for a substance in violation of this
12 Act, all proceeds traceable to such an exchange, and all
13 moneys, negotiable instruments, and securities used, or
14 intended to be used, to commit or in any manner to
15 facilitate any violation of this Act;

16 (6) all real property, including any right, title, and
17 interest (including, but not limited to, any leasehold
18 interest or the beneficial interest in a land trust) in the
19 whole of any lot or tract of land and any appurtenances or
20 improvements, which is used or intended to be used, in any
21 manner or part, to commit, or in any manner to facilitate
22 the commission of, any violation or act that constitutes a
23 violation of Section 401 or 405 of this Act or that is the
24 proceeds of any violation or act that constitutes a
25 violation of Section 401 or 405 of this Act.

26 (b) Property subject to forfeiture under this Act may be

1 seized by the Director or any peace officer upon process or
2 seizure warrant issued by any court having jurisdiction over
3 the property. Seizure by the Director or any peace officer
4 without process may be made:

5 (1) if the seizure is incident to inspection under an
6 administrative inspection warrant;

7 (2) if the property subject to seizure has been the
8 subject of a prior judgment in favor of the State in a
9 criminal proceeding, or in an injunction or forfeiture
10 proceeding based upon this Act or the Drug Asset Forfeiture
11 Procedure Act;

12 (3) if there is probable cause to believe that the
13 property is directly or indirectly dangerous to health or
14 safety;

15 (4) if there is probable cause to believe that the
16 property is subject to forfeiture under this Act and the
17 property is seized under circumstances in which a
18 warrantless seizure or arrest would be reasonable; or

19 (5) in accordance with the Code of Criminal Procedure
20 of 1963.

21 (c) In the event of seizure pursuant to subsection (b),
22 forfeiture proceedings shall be instituted in accordance with
23 the Drug Asset Forfeiture Procedure Act.

24 (d) Property taken or detained under this Section shall not
25 be subject to replevin, but is deemed to be in the custody of
26 the Director subject only to the order and judgments of the

1 circuit court having jurisdiction over the forfeiture
2 proceedings and the decisions of the State's Attorney under the
3 Drug Asset Forfeiture Procedure Act. When property is seized
4 under this Act, the seizing agency shall promptly conduct an
5 inventory of the seized property and estimate the property's
6 value, and shall forward a copy of the inventory of seized
7 property and the estimate of the property's value to the
8 Director. Upon receiving notice of seizure, the Director may:

9 (1) place the property under seal;

10 (2) remove the property to a place designated by the
11 Director;

12 (3) keep the property in the possession of the seizing
13 agency;

14 (4) remove the property to a storage area for
15 safekeeping or, if the property is a negotiable instrument
16 or money and is not needed for evidentiary purposes,
17 deposit it in an interest bearing account;

18 (5) place the property under constructive seizure by
19 posting notice of pending forfeiture on it, by giving
20 notice of pending forfeiture to its owners and interest
21 holders, or by filing notice of pending forfeiture in any
22 appropriate public record relating to the property; or

23 (6) provide for another agency or custodian, including
24 an owner, secured party, or lienholder, to take custody of
25 the property upon the terms and conditions set by the
26 Director.

1 (e) If the Department of Financial and Professional
2 Regulation suspends or revokes a registration, all controlled
3 substances owned or possessed by the registrant at the time of
4 suspension or the effective date of the revocation order may be
5 placed under seal. No disposition may be made of substances
6 under seal until the time for taking an appeal has elapsed or
7 until all appeals have been concluded unless a court, upon
8 application therefor, orders the sale of perishable substances
9 and the deposit of the proceeds of the sale with the court.
10 Upon a revocation rule becoming final, all substances may be
11 forfeited to the Department of Financial and Professional
12 Regulation.

13 (f) When property is forfeited under this Act the Director
14 shall sell all such property unless such property is required
15 by law to be destroyed or is harmful to the public, and shall
16 distribute the proceeds of the sale, together with any moneys
17 forfeited or seized, in accordance with subsection (g).
18 However, upon the application of the seizing agency or
19 prosecutor who was responsible for the investigation, arrest or
20 arrests and prosecution which lead to the forfeiture, the
21 Director may return any item of forfeited property to the
22 seizing agency or prosecutor for official use in the
23 enforcement of laws relating to cannabis or controlled
24 substances, if the agency or prosecutor can demonstrate that
25 the item requested would be useful to the agency or prosecutor
26 in their enforcement efforts. When any forfeited conveyance,

1 including an aircraft, vehicle, or vessel, is returned to the
2 seizing agency or prosecutor, the conveyance may be used
3 immediately in the enforcement of the criminal laws of this
4 State. Upon disposal, all proceeds from the sale of the
5 conveyance must be used for drug enforcement purposes. When any
6 real property returned to the seizing agency is sold by the
7 agency or its unit of government, the proceeds of the sale
8 shall be delivered to the Director and distributed in
9 accordance with subsection (g).

10 (g) All monies and the sale proceeds of all other property
11 forfeited and seized under this Act shall be distributed as
12 follows:

13 (1) 65% shall be distributed to the metropolitan
14 enforcement group, local, municipal, county, or state law
15 enforcement agency or agencies which conducted or
16 participated in the investigation resulting in the
17 forfeiture. The distribution shall bear a reasonable
18 relationship to the degree of direct participation of the
19 law enforcement agency in the effort resulting in the
20 forfeiture, taking into account the total value of the
21 property forfeited and the total law enforcement effort
22 with respect to the violation of the law upon which the
23 forfeiture is based. Amounts distributed to the agency or
24 agencies shall be used for the enforcement of laws
25 governing cannabis and controlled substances or for
26 security cameras used for the prevention or detection of

1 violence, except that amounts distributed to the Secretary
2 of State shall be deposited into the Secretary of State
3 Evidence Fund to be used as provided in Section 2-115 of
4 the Illinois Vehicle Code.

5 (2) (i) 12.5% shall be distributed to the Office of the
6 State's Attorney of the county in which the prosecution
7 resulting in the forfeiture was instituted, deposited in a
8 special fund in the county treasury and appropriated to the
9 State's Attorney for use in the enforcement of laws
10 governing cannabis and controlled substances. In counties
11 over 3,000,000 population, 25% will be distributed to the
12 Office of the State's Attorney for use in the enforcement
13 of laws governing cannabis and controlled substances. If
14 the prosecution is undertaken solely by the Attorney
15 General, the portion provided hereunder shall be
16 distributed to the Attorney General for use in the
17 enforcement of laws governing cannabis and controlled
18 substances.

19 (ii) 12.5% shall be distributed to the Office of the
20 State's Attorneys Appellate Prosecutor and deposited in
21 the Narcotics Profit Forfeiture Fund of that office to be
22 used for additional expenses incurred in the
23 investigation, prosecution and appeal of cases arising
24 under laws governing cannabis and controlled substances.
25 The Office of the State's Attorneys Appellate Prosecutor
26 shall not receive distribution from cases brought in

1 counties with over 3,000,000 population.

2 (3) 10% shall be retained by the Department of State
3 Police for expenses related to the administration and sale
4 of seized and forfeited property.

5 (h) Species of plants from which controlled substances in
6 Schedules I and II may be derived which have been planted or
7 cultivated in violation of this Act, or of which the owners or
8 cultivators are unknown, or which are wild growths, may be
9 seized and summarily forfeited to the State. The failure, upon
10 demand by the Director or any peace officer, of the person in
11 occupancy or in control of land or premises upon which the
12 species of plants are growing or being stored, to produce
13 registration, or proof that he is the holder thereof,
14 constitutes authority for the seizure and forfeiture of the
15 plants.

16 (Source: P.A. 94-1004, eff. 7-3-06.)

17 (720 ILCS 570/507) (from Ch. 56 1/2, par. 1507)

18 Sec. 507. All rulings, final determinations, findings, and
19 conclusions of the Department of State Police, the Department
20 of Financial and Professional Regulation, and the Department of
21 Human Services of the State of Illinois under this Act are
22 final and conclusive decisions of the matters involved. Any
23 person aggrieved by the decision may obtain review of the
24 decision pursuant to the provisions of the Administrative
25 Review Law, as amended and the rules adopted pursuant thereto.

1 Pending final decision on such review, the acts, orders and
2 rulings of the Department shall remain in full force and effect
3 unless modified or suspended by order of court pending final
4 judicial decision. Pending final decision on such review, the
5 acts, orders, sanctions and rulings of the Department of
6 Financial and Professional Regulation or its predecessor, the
7 Department of Professional Regulation, regarding any
8 registration shall remain in full force and effect, unless
9 stayed by order of court. However, no stay of any decision of
10 the administrative agency shall issue unless the person
11 aggrieved by the decision establishes by a preponderance of the
12 evidence that good cause exists therefor. In determining good
13 cause, the court shall find that the aggrieved party has
14 established a substantial likelihood of prevailing on the
15 merits and that granting the stay will not have an injurious
16 effect on the general public. Good cause shall not be
17 established solely on the basis of hardships resulting from an
18 inability to engage in the registered activity pending a final
19 judicial decision.

20 (Source: P.A. 89-507, eff. 7-1-97.)

21 Section 9795. The Discrimination in Sale of Real Estate Act
22 is amended by changing Section 3 as follows:

23 (720 ILCS 590/3) (from Ch. 38, par. 70-53)

24 Sec. 3. Whenever a person is convicted of any violation of

1 this Act, the clerk of the court shall report such conviction
2 to the Department of Financial and Professional Regulation,
3 which shall thereupon revoke any certificate of registration as
4 a real estate broker or real estate salesman held by such
5 person.

6 (Source: P.A. 85-1209.)

7 Section 9800. The Code of Criminal Procedure of 1963 is
8 amended by changing Section 119-5 as follows:

9 (725 ILCS 5/119-5) (from Ch. 38, par. 119-5)

10 Sec. 119-5. Execution of Death Sentence.

11 (a) (1) A defendant sentenced to death shall be executed by
12 an intravenous administration of a lethal quantity of an
13 ultrashort-acting barbiturate in combination with a
14 chemical paralytic agent and potassium chloride or other
15 equally effective substances sufficient to cause death
16 until death is pronounced by a coroner who is not a
17 licensed physician.

18 (2) If the execution of the sentence of death as
19 provided in paragraph (1) is held illegal or
20 unconstitutional by a reviewing court of competent
21 jurisdiction, the sentence of death shall be carried out by
22 electrocution.

23 (b) In pronouncing the sentence of death the court shall
24 set the date of the execution which shall be not less than 60

1 nor more than 90 days from the date sentence is pronounced.

2 (c) A sentence of death shall be executed at a Department
3 of Corrections facility.

4 (d) The warden of the penitentiary shall supervise such
5 execution, which shall be conducted in the presence of 6
6 witnesses who shall certify the execution of the sentence. The
7 certification shall be filed with the clerk of the court that
8 imposed the sentence.

9 (d-5) The Department of Corrections shall not request,
10 require, or allow a health care practitioner licensed in
11 Illinois, including but not limited to physicians and nurses,
12 regardless of employment, to participate in an execution.

13 (e) Except as otherwise provided in this subsection (e),
14 the identity of executioners and other persons who participate
15 or perform ancillary functions in an execution and information
16 contained in records that would identify those persons shall
17 remain confidential, shall not be subject to disclosure, and
18 shall not be admissible as evidence or be discoverable in any
19 action of any kind in any court or before any tribunal, board,
20 agency, or person. In order to protect the confidentiality of
21 persons participating in an execution, the Director of
22 Corrections may direct that the Department make payments in
23 cash for such services. In confidential investigations by the
24 Department of Financial and Professional Regulation, the
25 Department of Corrections shall disclose the names and license
26 numbers of health care practitioners participating or

1 performing ancillary functions in an execution to the
2 Department of Financial and Professional Regulation and the
3 Department of Financial and Professional Regulation shall
4 forward those names and license numbers to the appropriate
5 disciplinary boards.

6 (f) The amendatory changes to this Section made by this
7 amendatory Act of 1991 are severable under Section 1.31 of the
8 Statute on Statutes.

9 (g) (Blank).

10 (h) Notwithstanding any other provision of law, any
11 pharmaceutical supplier is authorized to dispense drugs to the
12 Director of Corrections or his or her designee, without
13 prescription, in order to carry out the provisions of this
14 Section.

15 (i) The amendatory changes to this Section made by this
16 amendatory Act of the 93rd General Assembly are severable under
17 Section 1.31 of the Statute on Statutes.

18 (Source: P.A. 93-379, eff. 7-24-03.)

19 Section 9805. The Unified Code of Corrections is amended by
20 changing Section 5-5.5-50 as follows:

21 (730 ILCS 5/5-5.5-50)

22 Sec. 5-5.5-50. Report. The Department of Financial and
23 Professional Regulation shall report to the General Assembly by
24 November 30 of each year, for each occupational licensure

1 category, the number of licensure applicants with felony
2 convictions, the number of applicants with certificates of
3 relief from disabilities, the number of licenses awarded to
4 applicants with felony convictions, the number of licenses
5 awarded to applicants with certificates of relief from
6 disabilities, the number of applicants with felony convictions
7 denied licenses, and the number of applicants with certificates
8 of relief from disabilities denied licenses.

9 (Source: P.A. 93-207, eff. 1-1-04.)

10 Section 9810. The Code of Civil Procedure is amended by
11 changing Sections 2-202 and 2-1719 as follows:

12 (735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

13 Sec. 2-202. Persons authorized to serve process; Place of
14 service; Failure to make return.

15 (a) Process shall be served by a sheriff, or if the sheriff
16 is disqualified, by a coroner of some county of the State. A
17 sheriff of a county with a population of less than 1,000,000
18 may employ civilian personnel to serve process. In counties
19 with a population of less than 1,000,000, process may be
20 served, without special appointment, by a person who is
21 licensed or registered as a private detective under the Private
22 Detective, Private Alarm, Private Security, Fingerprint
23 Vendor, and Locksmith Act of 2004 or by a registered employee
24 of a private detective agency certified under that Act. A

1 private detective or licensed employee must supply the sheriff
2 of any county in which he serves process with a copy of his
3 license or certificate; however, the failure of a person to
4 supply the copy shall not in any way impair the validity of
5 process served by the person. The court may, in its discretion
6 upon motion, order service to be made by a private person over
7 18 years of age and not a party to the action. It is not
8 necessary that service be made by a sheriff or coroner of the
9 county in which service is made. If served or sought to be
10 served by a sheriff or coroner, he or she shall endorse his or
11 her return thereon, and if by a private person the return shall
12 be by affidavit.

13 (a-5) Upon motion and in its discretion, the court may
14 appoint as a special process server a private detective agency
15 certified under the Private Detective, Private Alarm, Private
16 Security, Fingerprint Vendor, and Locksmith Act of 2004. Under
17 the appointment, any employee of the private detective agency
18 who is registered under that Act may serve the process. The
19 motion and the order of appointment must contain the number of
20 the certificate issued to the private detective agency by the
21 Department of Professional Regulation or its successor, the
22 Department of Financial and Professional Regulation, under the
23 Private Detective, Private Alarm, Private Security,
24 Fingerprint Vendor, and Locksmith Act of 2004.

25 (b) Summons may be served upon the defendants wherever they
26 may be found in the State, by any person authorized to serve

1 process. An officer may serve summons in his or her official
2 capacity outside his or her county, but fees for mileage
3 outside the county of the officer cannot be taxed as costs. The
4 person serving the process in a foreign county may make return
5 by mail.

6 (c) If any sheriff, coroner, or other person to whom any
7 process is delivered, neglects or refuses to make return of the
8 same, the plaintiff may petition the court to enter a rule
9 requiring the sheriff, coroner, or other person, to make return
10 of the process on a day to be fixed by the court, or to show
11 cause on that day why that person should not be attached for
12 contempt of the court. The plaintiff shall then cause a written
13 notice of the rule to be served on the sheriff, coroner, or
14 other person. If good and sufficient cause be not shown to
15 excuse the officer or other person, the court shall adjudge him
16 or her guilty of a contempt, and shall impose punishment as in
17 other cases of contempt.

18 (d) If process is served by a sheriff or coroner, the court
19 may tax the fee of the sheriff or coroner as costs in the
20 proceeding. If process is served by a private person or entity,
21 the court may establish a fee therefor and tax such fee as
22 costs in the proceedings.

23 (e) In addition to the powers stated in Section 8.1a of the
24 Housing Authorities Act, in counties with a population of
25 3,000,000 or more inhabitants, members of a housing authority
26 police force may serve process for forcible entry and detainer

1 actions commenced by that housing authority and may execute
2 orders of possession for that housing authority.

3 (f) In counties with a population of 3,000,000 or more,
4 process may be served, with special appointment by the court,
5 by a private process server or a law enforcement agency other
6 than the county sheriff in proceedings instituted under the
7 Forcible Entry and Detainer Article of this Code as a result of
8 a lessor or lessor's assignee declaring a lease void pursuant
9 to Section 11 of the Controlled Substance and Cannabis Nuisance
10 Act.

11 (Source: P.A. 95-613, eff. 9-11-07.)

12 (735 ILCS 5/2-1719) (from Ch. 110, par. 2-1719)

13 Sec. 2-1719. Duties of Secretary of Financial and
14 Professional Regulation ~~Director of Insurance~~. The Secretary
15 of Financial and Professional Regulation ~~Director of Insurance~~
16 shall establish rules and procedures:

17 (1) for determining which insurers, self-insurers, plans,
18 arrangements, reciprocals or other entities under his or her
19 regulation are financially qualified to provide the security
20 required under Section 2-1711 and to be designated as qualified
21 insurers;

22 (2) to require insurers to post security under Section
23 2-1711 if found by the court to be obligated and capable of
24 posting security; and

25 (3) for publishing prior to January 1 of each year the rate

1 of discount per annum set out in subsection (c) of Section
2 2-1709.

3 (Source: P.A. 84-7.)

4 Section 9815. The Illinois Antitrust Act is amended by
5 changing Section 5 as follows:

6 (740 ILCS 10/5) (from Ch. 38, par. 60-5)

7 Sec. 5. No provisions of this Act shall be construed to
8 make illegal:

9 (1) the activities of any labor organization or of
10 individual members thereof which are directed solely to labor
11 objectives which are legitimate under the laws of either the
12 State of Illinois or the United States;

13 (2) the activities of any agricultural or horticultural
14 cooperative organization, whether incorporated or
15 unincorporated, or of individual members thereof, which are
16 directed solely to objectives of such cooperative
17 organizations which are legitimate under the laws of either the
18 State of Illinois or the United States;

19 (3) the activities of any public utility, as defined in
20 Section 3-105 of the Public Utilities Act to the extent that
21 such activities are subject to a clearly articulated and
22 affirmatively expressed State policy to replace competition
23 with regulation, where the conduct to be exempted is actively
24 supervised by the State itself;

1 (4) The activities of a telecommunications carrier, as
2 defined in Section 13-202 of the Public Utilities Act, to the
3 extent those activities relate to the provision of
4 noncompetitive telecommunications services under the Public
5 Utilities Act and are subject to the jurisdiction of the
6 Illinois Commerce Commission or to the activities of telephone
7 mutual concerns referred to in Section 13-202 of the Public
8 Utilities Act to the extent those activities relate to the
9 provision and maintenance of telephone service to owners and
10 customers;

11 (5) the activities (including, but not limited to, the
12 making of or participating in joint underwriting or joint
13 reinsurance arrangement) of any insurer, insurance agent,
14 insurance broker, independent insurance adjuster or rating
15 organization to the extent that such activities are subject to
16 regulation by the Secretary of Financial and Professional
17 Regulation ~~Director of Insurance~~ of this State under, or are
18 permitted or are authorized by, the Insurance Code or any other
19 law of this State;

20 (6) the religious and charitable activities of any
21 not-for-profit corporation, trust or organization established
22 exclusively for religious or charitable purposes, or for both
23 purposes;

24 (7) the activities of any not-for-profit corporation
25 organized to provide telephone service on a mutual or
26 co-operative basis or electrification on a co-operative basis,

1 to the extent such activities relate to the marketing and
2 distribution of telephone or electrical service to owners and
3 customers;

4 (8) the activities engaged in by securities dealers who are
5 (i) licensed by the State of Illinois or (ii) members of the
6 National Association of Securities Dealers or (iii) members of
7 any National Securities Exchange registered with the
8 Securities and Exchange Commission under the Securities
9 Exchange Act of 1934, as amended, in the course of their
10 business of offering, selling, buying and selling, or otherwise
11 trading in or underwriting securities, as agent, broker, or
12 principal, and activities of any National Securities Exchange
13 so registered, including the establishment of commission rates
14 and schedules of charges;

15 (9) the activities of any board of trade designated as a
16 "contract market" by the Secretary of Agriculture of the United
17 States pursuant to Section 5 of the Commodity Exchange Act, as
18 amended;

19 (10) the activities of any motor carrier, rail carrier, or
20 common carrier by pipeline, as defined in the Common Carrier by
21 Pipeline Law of the Public Utilities Act, to the extent that
22 such activities are permitted or authorized by the Act or are
23 subject to regulation by the Illinois Commerce Commission;

24 (11) the activities of any state or national bank to the
25 extent that such activities are regulated or supervised by
26 officers of the state or federal government under the banking

1 laws of this State or the United States;

2 (12) the activities of any state or federal savings and
3 loan association to the extent that such activities are
4 regulated or supervised by officers of the state or federal
5 government under the savings and loan laws of this State or the
6 United States;

7 (13) the activities of any bona fide not-for-profit
8 association, society or board, of attorneys, practitioners of
9 medicine, architects, engineers, land surveyors or real estate
10 brokers licensed and regulated by an agency of the State of
11 Illinois, in recommending schedules of suggested fees, rates or
12 commissions for use solely as guidelines in determining charges
13 for professional and technical services;

14 (14) Conduct involving trade or commerce (other than import
15 trade or import commerce) with foreign nations unless:

16 (a) such conduct has a direct, substantial, and
17 reasonably foreseeable effect:

18 (i) on trade or commerce which is not trade or
19 commerce with foreign nations, or on import trade or
20 import commerce with foreign nations; or

21 (ii) on export trade or export commerce with
22 foreign nations of a person engaged in such trade or
23 commerce in the United States; and

24 (b) such effect gives rise to a claim under the
25 provisions of this Act, other than this subsection (14).

26 (c) If this Act applies to conduct referred to in this

1 subsection (14) only because of the provisions of paragraph
2 (a)(ii), then this Act shall apply to such conduct only for
3 injury to export business in the United States which
4 affects this State; or

5 (15) the activities of a unit of local government or school
6 district and the activities of the employees, agents and
7 officers of a unit of local government or school district.

8 (Source: P.A. 90-185, eff. 7-23-97; 90-561, eff. 12-16-97.)

9 Section 9820. The Sexual Exploitation in Psychotherapy,
10 Professional Health Services, and Professional Mental Health
11 Services Act is amended by changing Section 1 as follows:

12 (740 ILCS 140/1) (from Ch. 70, par. 801)

13 Sec. 1. Definitions. In this Act:

14 (a) "Emotionally dependent" means that the nature of the
15 patient's or former patient's emotional condition and the
16 nature of the treatment provided by the psychotherapist,
17 unlicensed health professional, or unlicensed mental health
18 professional are such that the psychotherapist, unlicensed
19 health professional, or unlicensed mental health professional
20 knows or has reason to believe that the patient or former
21 patient is unable to withhold consent to sexual contact by the
22 psychotherapist, unlicensed health professional, or unlicensed
23 mental health professional.

24 (b) "Former patient" means a person who was given

1 psychotherapy within 1 year prior to sexual contact with the
2 psychotherapist or who obtained a professional consultation or
3 diagnostic or therapeutic service from an unlicensed health
4 professional or unlicensed mental health professional within
5 one year prior to sexual contact with the unlicensed health
6 professional or unlicensed mental health professional.

7 (c) "Patient" means a person who seeks or obtains
8 psychotherapy or who obtains a professional consultation or
9 diagnostic or therapeutic service from an unlicensed health
10 professional or unlicensed mental health professional.

11 (d) "Psychotherapist" means a physician, psychologist,
12 nurse, chemical dependency counselor, social worker, or other
13 person, whether or not licensed by the State, who performs or
14 purports to perform psychotherapy.

15 (e) "Psychotherapy" means the professional treatment,
16 assessment, or counseling of a mental or emotional illness,
17 symptom, or condition. "Psychotherapy" does not include
18 counseling of a spiritual or religious nature, social work, or
19 casual advice given by a friend or family member.

20 (f) "Sexual contact" means any of the following, whether or
21 not occurring with the consent of a patient or former patient:

22 (1) sexual intercourse, cunnilingus, fellatio, anal
23 intercourse or any intrusion, however slight, into the
24 genital or anal openings of the patient's or former
25 patient's body by any part of the psychotherapist's,
26 unlicensed health professional's, or unlicensed mental

1 health professional's body or by any object used by the
2 psychotherapist, unlicensed health professional, or
3 unlicensed mental health professional for that purpose, or
4 any intrusion, however slight, into the genital or anal
5 openings of the psychotherapist's, unlicensed health
6 professional's, or unlicensed mental health professional's
7 body by any part of the patient's or former patient's body
8 or by any object used by the patient or former patient for
9 that purpose, if agreed to by the psychotherapist,
10 unlicensed health professional, or unlicensed mental
11 health professional;

12 (2) kissing or intentional touching by the
13 psychotherapist, unlicensed health professional, or
14 unlicensed mental health professional of the patient's or
15 former patient's genital area, groin, inner thigh,
16 buttocks, or breast or the clothing covering any of these
17 body parts;

18 (3) kissing or intentional touching by the patient or
19 former patient of the psychotherapist's, unlicensed health
20 professional's, or unlicensed mental health professional's
21 genital area, groin, inner thigh, buttocks, or breast or
22 the clothing covering any of these body parts if the
23 psychotherapist, unlicensed health professional, or
24 unlicensed mental health professional agrees to the
25 kissing or intentional touching.

26 "Sexual contact" includes a request by the

1 psychotherapist, unlicensed health professional, or unlicensed
2 mental health professional for conduct described in paragraphs
3 (1) through (3).

4 "Sexual contact" does not include conduct described in
5 paragraph (1) or (2) that is a part of standard medical
6 treatment of a patient, casual social contact not intended to
7 be sexual in character, or inadvertent touching.

8 (g) "Therapeutic deception" means a representation by a
9 psychotherapist, unlicensed health professional, or unlicensed
10 mental health professional that sexual contact with the
11 psychotherapist, unlicensed health professional, or unlicensed
12 mental health professional is consistent with or part of the
13 patient's or former patient's treatment.

14 (h) "Unlicensed health professional" means a person who is
15 not licensed or registered to provide health services by the
16 Department of Financial and Professional Regulation or its
17 predecessor, the Department of Professional Regulation, or a
18 board of registration duly authorized to grant licenses or
19 registration to persons engaged in the practice of providing
20 health services or whose license or registration to provide
21 health services has been returned or revoked by the Department
22 or that board.

23 (i) "Unlicensed mental health professional" means a person
24 who is not licensed or registered to provide mental health
25 services by the Department of Financial and Professional
26 Regulation or its predecessor, the Department of Professional

1 Regulation, or a board of registration duly authorized to grant
2 licenses or registration to persons engaged in the practice of
3 providing mental health services or whose license or
4 registration to provide mental health services has been
5 returned or revoked by the Department or that board.

6 (Source: P.A. 90-538, eff. 12-1-97.)

7 Section 9825. The Local Governmental and Governmental
8 Employees Tort Immunity Act is amended by changing Section
9 9-103 as follows:

10 (745 ILCS 10/9-103) (from Ch. 85, par. 9-103)

11 Sec. 9-103. (a) A local public entity may protect itself
12 against any property damage or against any liability or loss
13 which may be imposed upon it or one of its employees for a
14 tortious act under Federal or State common or statutory law, or
15 imposed upon it under the Workers' Compensation Act, the
16 Workers' Occupational Diseases Act, or the Unemployment
17 Insurance Act by means including, but not limited to,
18 insurance, individual or joint self-insurance, including all
19 operating and administrative costs and expenses directly
20 associated therewith, claims services and risk management
21 directly attributable to loss prevention and loss reduction,
22 legal services directly attributable to the insurance,
23 self-insurance, or joint self-insurance program, educational,
24 inspectional, and supervisory services directly relating to

1 loss prevention and loss reduction, or participation in a
2 reciprocal insurer as provided in Sections 72, 76 and 81 of the
3 Illinois Insurance Code. Insurance shall be carried with a
4 company authorized by the Department of Insurance or its
5 successor, the Department of Financial and Professional
6 Regulation, to write such insurance coverage in Illinois.

7 (a-5) A local public entity may individually or jointly
8 self-insure provided it complies with any other statutory
9 requirements specifically related to individual or joint
10 self-insurance by local public entities. Whenever the terms
11 "self-insure" or "self-insurance" are utilized within this
12 Act, such term shall apply to both individual and joint
13 self-insurance. The expenditure of funds of a local public
14 entity to protect itself or its employees against liability is
15 proper for any local public entity. A local public entity that
16 has individually self-insured may establish reserves for
17 expected losses for any liability or loss for which the local
18 public entity is authorized to purchase insurance under this
19 Act. The decision of the local public entity to establish a
20 reserve and the amount of the reserve shall be based on
21 reasonable actuarial or insurance underwriting evidence.
22 Property taxes shall not be levied or extended if the effect is
23 to increase the reserve beyond 125% of the actuary's or
24 insurance underwriter's estimated ultimate losses at the 95%
25 confidence level. Certification of the amount of the reserve
26 shall be made by the independent auditor, actuary, or insurance

1 underwriter and included in an annual report. The annual report
2 shall also list all expenditures from the reserve or from
3 property taxes levied or extended for tort immunity purposes.
4 Total claims payments and total reserves must be listed in
5 aggregate amounts. All other expenditures must be identified
6 individually. A local public entity that maintains a
7 self-insurance reserve or that levies and extends a property
8 tax for tort immunity purposes must include in its audit or
9 annual report any expenditures made from the property tax levy
10 or self-insurance reserve within the scope of the audit or
11 annual report.

12 (b) A local public entity may contract for or purchase any
13 of the guaranteed fund certificates or shares of guaranteed
14 capital as provided for in Section 56 of the Illinois Insurance
15 Code. The expenditure of funds of the local public entity for
16 said contract or purchase is proper for any local public
17 entity.

18 (c) Any insurance company that provides insurance coverage
19 to a local public entity shall utilize any immunities or may
20 assert any defenses to which the insured local public entity or
21 its employees are entitled. Public entities which are
22 individually or jointly self-insured shall be entitled to
23 assert all of the immunities provided by this Act or by common
24 law or statute on behalf of themselves or their employees
25 unless the local public entities shall elect by action of their
26 corporate authorities or specifically contract to waive in

1 whole or in part such immunities.

2 (d) Within 30 days after January 1, 1991, and within 30
3 days after each January 1 thereafter, local public entities
4 that are individually or jointly self-insured to protect
5 against liability under the Workers' Compensation Act and the
6 Workers' Occupational Diseases Act shall file with the Illinois
7 Workers' Compensation Commission a report indicating an
8 election to self-insure.

9 (Source: P.A. 93-721, eff. 1-1-05.)

10 Section 9830. The Non-Support Punishment Act is amended by
11 changing Section 50 as follows:

12 (750 ILCS 16/50)

13 Sec. 50. Community service; work alternative program.

14 (a) In addition to any other penalties imposed against an
15 offender under this Act, the court may order the offender to
16 perform community service for not less than 30 and not more
17 than 120 hours per month, if community service is available in
18 the jurisdiction and is funded and approved by the county board
19 of the county where the offense was committed. In addition,
20 whenever any person is placed on supervision for committing an
21 offense under this Act, the supervision shall be conditioned on
22 the performance of the community service.

23 (b) In addition to any other penalties imposed against an
24 offender under this Act, the court may sentence the offender to

1 service in a work alternative program administered by the
2 sheriff. The conditions of the program are that the offender
3 obtain or retain employment and participate in a work
4 alternative program administered by the sheriff during
5 non-working hours. A person may not be required to participate
6 in a work alternative program under this subsection if the
7 person is currently participating in a work program pursuant to
8 another provision of this Act, Section 10-11.1 of the Illinois
9 Public Aid Code, Section 505.1 of the Illinois Marriage and
10 Dissolution of Marriage Act, or Section 15.1 of the Illinois
11 Parentage Act of 1984.

12 (c) In addition to any other penalties imposed against an
13 offender under this Act, the court may order, in cases where
14 the offender has been in violation of this Act for 90 days or
15 more, that the offender's Illinois driving privileges be
16 suspended until the court determines that the offender is in
17 compliance with this Act.

18 The court may determine that the offender is in compliance
19 with this Act if the offender has agreed (i) to pay all
20 required amounts of support and maintenance as determined by
21 the court or (ii) to the garnishment of his or her income for
22 the purpose of paying those amounts.

23 The court may also order that the offender be issued a
24 family financial responsibility driving permit that would
25 allow limited driving privileges for employment and medical
26 purposes in accordance with Section 7-702.1 of the Illinois

1 Vehicle Code. The clerk of the circuit court shall certify the
2 order suspending the driving privileges of the offender or
3 granting the issuance of a family financial responsibility
4 driving permit to the Secretary of State on forms prescribed by
5 the Secretary. Upon receipt of the authenticated documents, the
6 Secretary of State shall suspend the offender's driving
7 privileges until further order of the court and shall, if
8 ordered by the court, subject to the provisions of Section
9 7-702.1 of the Illinois Vehicle Code, issue a family financial
10 responsibility driving permit to the offender.

11 (d) If the court determines that the offender has been in
12 violation of this Act for more than 60 days, the court may
13 determine whether the offender has applied for or been issued a
14 professional license by the Department of Financial and
15 Professional Regulation or its predecessor, the Department of
16 Professional Regulation, or another licensing agency. If the
17 court determines that the offender has applied for or been
18 issued such a license, the court may certify to the Department
19 of Financial and Professional Regulation or other licensing
20 agency that the offender has been in violation of this Act for
21 more than 60 days so that the Department or other agency may
22 take appropriate steps with respect to the license or
23 application as provided in Section 10-65 of the Illinois
24 Administrative Procedure Act and Section 2105-15 of the
25 Department of Financial and Professional Regulation
26 (Professional Regulation) Law of the Civil Administrative Code

1 of Illinois. The court may take the actions required under this
2 subsection in addition to imposing any other penalty authorized
3 under this Act.

4 (Source: P.A. 91-613, eff. 10-1-99; 92-651, eff. 7-11-02.)

5 Section 9835. The Trusts and Trustees Act is amended by
6 changing Section 21 as follows:

7 (760 ILCS 5/21)

8 Sec. 21. Reliance on Secretary of Financial and
9 Professional Regulation or predecessor Commissioner of Banks
10 and Real Estate. No trustee or other person shall be liable
11 under this Act for any act done or omitted in good faith in
12 conformity with any rule, interpretation, or opinion issued by
13 the Secretary of Financial and Professional Regulation or the
14 Secretary's predecessor, the Commissioner of Banks and Real
15 Estate, notwithstanding that after the act or omission has
16 occurred, the rule, opinion, or interpretation upon which
17 reliance is placed is amended, rescinded, or determined by
18 judicial or other authority to be invalid for any reason.

19 (Source: P.A. 90-161, eff. 7-23-97.)

20 Section 9840. The Common Trust Fund Act is amended by
21 changing Section 8 as follows:

22 (760 ILCS 45/8)

1 Sec. 8. Reliance on Secretary of Financial and Professional
2 Regulation or predecessor ~~Commissioner of Banks and Real~~
3 ~~Estate~~. No fiduciary or other person shall be liable under this
4 Act for any act done or omitted in good faith in conformity
5 with any rule, interpretation, or opinion issued by the
6 Secretary of Financial and Professional Regulation or the
7 Secretary's predecessor, the Commissioner of Banks and Real
8 Estate, notwithstanding that after the act or omission has
9 occurred, the rule, opinion, or interpretation upon which
10 reliance is placed is amended, rescinded, or determined by
11 judicial or other authority to be invalid for any reason.

12 (Source: P.A. 90-161, eff. 7-23-97.)

13 Section 9850. The Land Sales Registration Act of 1999 is
14 amended by adding Section 1-3 as follows:

15 (765 ILCS 86/1-3 new)

16 Sec. 1-3. References to Office or Commissioner of Banks and
17 Real Estate. On and after the effective date of this amendatory
18 Act of the 95th General Assembly:

19 (1) References in this Act to the Office of Banks and
20 Real Estate or "the Office" mean the Department of
21 Financial and Professional Regulation.

22 (2) References in this Act to the Commissioner of Banks
23 and Real Estate or "the Commissioner" mean the Secretary of
24 Financial and Professional Regulation.

1 Section 9855. The Real Estate Timeshare Act of 1999 is
2 amended by adding Section 1-2 as follows:

3 (765 ILCS 101/1-2 new)

4 Sec. 1-2. References to Office or Commissioner of Banks and
5 Real Estate. On and after the effective date of this amendatory
6 Act of the 95th General Assembly:

7 (1) References in this Act to the Office of Banks and
8 Real Estate or "the Office" mean the Department of
9 Financial and Professional Regulation.

10 (2) References in this Act to the Commissioner of Banks
11 and Real Estate or "the Commissioner" mean the Secretary of
12 Financial and Professional Regulation.

13 Section 9860. The Condominium Property Act is amended by
14 changing Section 12.1 as follows:

15 (765 ILCS 605/12.1) (from Ch. 30, par. 312.1)

16 Sec. 12.1. Insurance risk pooling trusts.

17 (a) This Section shall be known and may be cited as the
18 Condominium and Common Interest Community Risk Pooling Trust
19 Act.

20 (b) The boards of managers or boards of directors, as the
21 case may be, of two or more condominium associations or common
22 interest community associations, are authorized to establish,

1 with the unit owners and the condominium or common interest
2 community associations as the beneficiaries thereof, a trust
3 fund for the purpose of providing protection of the
4 participating condominium and common interest community
5 associations against the risk of financial loss due to damage
6 to, destruction of or loss of property, or the imposition of
7 legal liability as required or authorized under this Act or the
8 declaration of the condominium or common interest community
9 association.

10 (c) The trust fund shall be established and amended only by
11 a written instrument which shall be filed with and approved by
12 the Secretary of Financial and Professional Regulation
13 ~~Director of Insurance~~ prior to its becoming effective.

14 (d) No association shall be a beneficiary of the trust fund
15 unless it shall be incorporated under the laws of this State.

16 (e) The trust fund is authorized to indemnify the
17 condominium and common interest community association
18 beneficiaries thereof against the risk of loss due to damage,
19 destruction or loss to property or imposition of legal
20 liability as required or authorized under this Act or the
21 declaration of the condominium or common interest community
22 association.

23 (f) Risks assumed by the trust fund may be pooled and
24 shared with other trust funds established under this Section.

25 (g) (Blank).

26 (h) (Blank).

1 (i) No trustee of the trust fund shall be paid a salary or
2 receive other compensation, except that the written trust
3 instrument may provide for reimbursement for actual expenses
4 incurred on behalf of the trust fund.

5 (j) (Blank).

6 (k) (Blank).

7 (l) (Blank).

8 (m) Each trust fund shall file annually with the Secretary
9 of Financial and Professional Regulation ~~Director of Insurance~~
10 a full independently audited financial statement.

11 (n) (Blank).

12 (o) (Blank).

13 (p) (Blank).

14 (q) (Blank).

15 (r) (Blank).

16 (s) The Secretary of Financial and Professional Regulation
17 ~~Director of Insurance~~ shall have with respect to trust funds
18 established under this Section the powers of examination
19 conferred upon him relative to insurance companies by Section
20 132 of the Illinois Insurance Code.

21 (t) (Blank).

22 (u) (Blank).

23 (v) Trust funds established under and which fully comply
24 with this Section shall not be considered member insurance
25 companies or to be in the business of insurance nor shall the
26 provision of Article XXXIV of the Illinois Insurance Code apply

1 to any such trust fund established under this Section.

2 (w) (Blank).

3 (x) The Secretary of Financial and Professional Regulation
4 ~~Director of Insurance~~ shall adopt reasonable rules pertaining
5 to the standards of coverage and administration of trust funds
6 authorized under this Section.

7 (Source: P.A. 92-518, eff. 6-1-02.)

8 Section 9865. The Uniform Disposition of Unclaimed
9 Property Act is amended by changing Sections 0.05, 11, 23, and
10 26 as follows:

11 (765 ILCS 1025/0.05)

12 Sec. 0.05. Transfer of powers.

13 (a) The rights, powers, duties, and functions vested in the
14 Department of Financial Institutions to administer this Act are
15 transferred to the State Treasurer on July 1, 1999 in
16 accordance with Sections 0.02 through 0.06 of the State
17 Treasurer Act; provided, however, that the rights, powers,
18 duties, and functions involving the examination of the records
19 of any person that the State Treasurer has reason to believe
20 has failed to report properly under this Act shall be
21 transferred to the Office of Banks and Real Estate if the
22 person is regulated by the Office of Banks and Real Estate
23 under the Illinois Banking Act, the Corporate Fiduciary Act,
24 the Foreign Banking Office Act, the Illinois Savings and Loan

1 Act of 1985, or the Savings Bank Act and shall be retained by
2 the Department of Financial Institutions if the person is doing
3 business in the State under the supervision of the Department
4 of Financial Institutions, the National Credit Union
5 Administration, the Office of Thrift Supervision, or the
6 Comptroller of the Currency.

7 (b) The rights, powers, duties, and functions transferred
8 to the Office of Banks and Real Estate or retained by the
9 Department of Financial Institutions under this Section are
10 subject to the Department of Financial and Professional
11 Regulation Act.

12 (Source: P.A. 91-16, eff. 6-4-99.)

13 (765 ILCS 1025/11) (from Ch. 141, par. 111)

14 Sec. 11. Report of holder.

15 (a) Except as otherwise provided in subsection (c) of
16 Section 4, every person holding funds or other property,
17 tangible or intangible, presumed abandoned under this Act shall
18 report and remit all abandoned property specified in the report
19 to the State Treasurer with respect to the property as
20 hereinafter provided. The State Treasurer may exempt any
21 businesses from the reporting requirement if he deems such
22 businesses unlikely to be holding unclaimed property.

23 (b) The information shall be obtained in one or more
24 reports as required by the State Treasurer. The information
25 shall be verified and shall include:

1 (1) the name, social security or federal tax
2 identification number, if known, and last known address,
3 including zip code, of each person appearing from the
4 records of the holder to be the owner of any property of
5 the value of \$25 or more presumed abandoned under this Act;

6 (2) in case of unclaimed funds of life insurance
7 corporations the full name of the insured and any
8 beneficiary or annuitant and the last known address
9 according to the life insurance corporation's records;

10 (3) the date when the property became payable,
11 demandable, or returnable, and the date of the last
12 transaction with the owner with respect to the property;
13 and

14 (4) other information which the State Treasurer
15 prescribes by rule as necessary for the administration of
16 this Act.

17 (c) If the person holding property presumed abandoned is a
18 successor to other persons who previously held the property for
19 the owner, or if the holder has changed his name while holding
20 the property, he shall file with his report all prior known
21 names and addresses of each holder of the property.

22 (d) The report and remittance of the property specified in
23 the report shall be filed by banking organizations, financial
24 organizations, insurance companies other than life insurance
25 corporations, and governmental entities before November 1 of
26 each year as of June 30 next preceding. The report and

1 remittance of the property specified in the report shall be
2 filed by business associations, utilities, and life insurance
3 corporations before May 1 of each year as of December 31 next
4 preceding. The Director may postpone the reporting date upon
5 written request by any person required to file a report. The
6 report and remittance of the property specified in the report
7 for property subject to subsection (a) of Section 3a of this
8 Act shall be filed before a date established by the State
9 Treasurer that is on or after the later of: (i) 30 days after
10 the effective date of this amendatory Act of the 94th General
11 Assembly; or (ii) November 1, 2005.

12 (d-5) Notwithstanding the foregoing, currency exchanges
13 shall be required to report and remit property specified in the
14 report within 30 days after the conclusion of its annual
15 examination by the Department of Financial and Professional
16 Regulation Institutions. As part of the examination of a
17 currency exchange, the Department of Financial and
18 Professional Regulation Institutions shall instruct the
19 currency exchange to submit a complete unclaimed property
20 report using the State Treasurer's formatted diskette
21 reporting program or an alternative reporting format approved
22 by the State Treasurer. The Department of Financial and
23 Professional Regulation Institutions shall provide the State
24 Treasurer with an accounting of the money orders located in the
25 course of the annual examination including, where available,
26 the amount of service fees deducted and the date of the

1 conclusion of the examination.

2 (e) Before filing the annual report, the holder of property
3 presumed abandoned under this Act shall communicate with the
4 owner at his last known address if any address is known to the
5 holder, setting forth the provisions hereof necessary to occur
6 in order to prevent abandonment from being presumed. If the
7 holder has not communicated with the owner at his last known
8 address at least 120 days before the deadline for filing the
9 annual report, the holder shall mail, at least 60 days before
10 that deadline, a letter by first class mail to the owner at his
11 last known address unless any address is shown to be
12 inaccurate, setting forth the provisions hereof necessary to
13 prevent abandonment from being presumed.

14 (f) Verification, if made by a partnership, shall be
15 executed by a partner; if made by an unincorporated association
16 or private corporation, by an officer; and if made by a public
17 corporation, by its chief fiscal officer.

18 (g) Any person who has possession of property which he has
19 reason to believe will be reportable in the future as unclaimed
20 property, may report and deliver it prior to the date required
21 for such reporting in accordance with this Section and is then
22 relieved of responsibility as provided in Section 14.

23 (h) (1) Records pertaining to presumptively abandoned
24 property held by a trust division or trust department or by a
25 trust company, or affiliate of any of the foregoing that
26 provides nondealer corporate custodial services for securities

1 or securities transactions, organized under the laws of this or
2 another state or the United States shall be retained until the
3 property is delivered to the State Treasurer.

4 As of January 1, 1998, this subdivision (h) (1) shall not be
5 applicable unless the Department of Financial Institutions has
6 commenced, but not finalized, an examination of the holder as
7 of that date and the property is included in a final
8 examination report for the period covered by the examination.

9 (2) In the case of all other holders commencing on the
10 effective date of this amendatory Act of 1993, property records
11 for the period required for presumptive abandonment plus the 9
12 years immediately preceding the beginning of that period shall
13 be retained for 5 years after the property was reportable.

14 (i) The State Treasurer may promulgate rules establishing
15 the format and media to be used by a holder in submitting
16 reports required under this Act.

17 (j) Other than the Notice to Owners required by Section 12
18 and other discretionary means employed by the State Treasurer
19 for notifying owners of the existence of abandoned property,
20 the State Treasurer shall not disclose any information provided
21 in reports filed with the State Treasurer or any information
22 obtained in the course of an examination by the State Treasurer
23 to any person other than governmental agencies for the purposes
24 of returning abandoned property to its owners or to those
25 individuals who appear to be the owner of the property or
26 otherwise have a valid claim to the property, unless written

1 consent from the person entitled to the property is obtained by
2 the State Treasurer.

3 (Source: P.A. 93-531, eff. 8-14-03; 94-686, eff. 11-2-05.)

4 (765 ILCS 1025/23) (from Ch. 141, par. 123)

5 Sec. 23. (a) If the State Treasurer has reason to believe
6 that any person has failed to report property in accordance
7 with this Act, he may make a demand by certified mail, return
8 receipt requested, that such report be made and filed with the
9 State Treasurer. The report of abandoned property or any other
10 report required shall be made and filed with the State
11 Treasurer within 30 days after receipt of the demand.

12 (b) The State may at reasonable times and upon reasonable
13 notice examine the records of any person if the State Treasurer
14 has reason to believe that such person has failed to report
15 property that should have been reported pursuant to this Act.
16 Upon the direction of the State Treasurer to do so, the
17 Department of Financial and Professional Regulation ~~Office of~~
18 ~~Banks and Real Estate~~ shall, on behalf of the State, conduct
19 the examination of the records of any person who is regulated
20 by the Department of Financial and Professional Regulation
21 ~~Office of Banks and Real Estate~~ under the Illinois Banking Act,
22 the Corporate Fiduciary Act, the Foreign Banking Office Act,
23 the Illinois Savings and Loan Act of 1985, or the Savings Bank
24 Act. Upon direction of the State Treasurer to do so, the
25 Department of Financial and Professional Regulation

1 ~~Institutions~~ shall, on behalf of the State, conduct the
2 examination of the records of any person doing business in the
3 State under the supervision of the Department of Financial and
4 Professional Regulation Institutions, the National Credit
5 Union Administration, the Office of Thrift Supervision, or the
6 Comptroller of the Currency. The ~~Office of Banks and Real~~
7 ~~Estate and the~~ Department of Financial and Professional
8 Regulation Institutions shall conduct all examinations during
9 the next regular examination of the person, unless the State
10 Treasurer has reason to believe that an accelerated examination
11 schedule is required to protect the State's interest, in which
12 case the examination must be conducted within 90 days of the
13 State Treasurer's direction to do so. The ~~Office of Banks and~~
14 ~~Real Estate and the~~ Department of Financial and Professional
15 Regulation Institutions may contract with third parties to
16 ensure that the examinations are commenced in a timely manner.
17 The Department of Financial and Professional Regulation
18 ~~Institutions and the Office of Banks and Real Estate~~ shall
19 report the results of all examinations that are undertaken at
20 the direction of the State Treasurer under this Act, which may
21 include confidential information, to the State Treasurer in a
22 timely manner and, upon the request of the Treasurer, shall
23 assist in the evaluation of the examinations. All examinations
24 that are not performed by the ~~Office of Banks and Real Estate~~
25 ~~or the~~ Department of Financial and Professional Regulation
26 ~~Institutions~~ shall be performed by the State Treasurer.

1 (c) The actual cost of any examination or investigation
2 incurred by the State in administering any provision of this
3 Act shall be borne by the holder examined or investigated if:

4 (1) a written demand for a report has been made and the
5 report has not been properly filed within the time period
6 specified in this Section, or

7 (2) a report has been received and additional property
8 reportable under the Act is discovered by such examination
9 or investigation.

10 No holder shall be liable to pay more than an amount equal
11 to the amount of reportable property discovered by such
12 investigation as a cost of examination or investigation.

13 (d) For all holders other than a trust division, a trust
14 department, a trust company, or an affiliate of any of them,
15 subsection (c) does not apply to any examination commenced
16 after the effective date of this amendatory Act of 1993. As of
17 January 1, 1998, subsection (c) does not apply to an
18 examination of a trust division or trust department or a trust
19 company, or affiliate of any of the foregoing that provides
20 nondealer corporate custodial services for securities or
21 securities transactions, organized under the laws of this or
22 another state or the United States unless the Department of
23 Financial Institutions has commenced, but not finalized, an
24 examination of the holder as of that date and the property is
25 included in a final examination report for the period covered
26 by the examination.

1 (Source: P.A. 90-167, eff. 7-23-97; 91-16, eff. 7-1-99.)

2 (765 ILCS 1025/26) (from Ch. 141, par. 126)

3 Sec. 26. The State Treasurer and the Secretary of Financial
4 and Professional Regulation, ~~Director of Financial~~
5 ~~Institutions, and the Commissioner of Banks and Real Estate~~ are
6 hereby authorized to make necessary rules and regulations to
7 carry out the provisions of this Act.

8 (Source: P.A. 91-16, eff. 7-1-99.)

9 Section 9870. The Business Corporation Act of 1983 is
10 amended by changing Sections 1.70, 1.80, 3.05, 4.05, and 11.32
11 as follows:

12 (805 ILCS 5/1.70) (from Ch. 32, par. 1.70)

13 Sec. 1.70. Miscellaneous applications.

14 (a) Application to existing corporations organized under
15 general laws. The provisions of this Act shall apply to all
16 existing corporations, including public utility corporations,
17 organized under any general law of this State providing for the
18 organization of corporations for a purpose or purposes for
19 which a corporation might be organized under this Act.

20 (b) Application to existing corporations organized under
21 special Acts. All corporations, including public utility
22 corporations, heretofore organized for profit under any
23 special law of this State, for a purpose or purposes for which

1 a corporation might be organized under this Act, shall be
2 entitled to the rights, privileges, immunities, and franchises
3 provided by this Act.

4 (c) Application of Act to domestic railroad corporations.
5 Corporations organized under the laws of this State for the
6 purpose of operating any railroad in this State shall be
7 subject to the following provisions of this Act regardless of
8 whether or not such corporations have been reincorporated under
9 provisions of this Act:

10 (1) Section 3.10(m), relating to the donations for the
11 public welfare or for charitable, scientific, religious or
12 educational purposes.

13 (2) Sections 12.05, 12.10, 12.15, 12.20, 12.25 and
14 12.30, relating to voluntary dissolution.

15 (3) Sections 12.35, 12.40, 12.45 and 12.50(a),
16 relating to administrative or judicial dissolution.

17 (4) Section 12.80 relating to survival of remedy after
18 dissolution.

19 (5) Sections 14.05 and 14.10 relating to annual report
20 of domestic corporations.

21 (6) Section 14.20 relating to reports of domestic
22 corporations with respect to issuance of shares.

23 (7) Sections 16.50 and 16.10 relating to penalties for
24 failure to file reports.

25 (8) Sections 1.05, 1.10, 1.20, 1.25, 1.35, 1.40, 1.45,
26 7.10, 7.20, 8.45, 15.05, 15.10, 15.15, 15.20, 15.25, 15.30,

1 15.35, 15.40, 15.45, 15.50, 15.80 and 15.85 relating to
2 fees for filing documents and issuing certificates,
3 license fees, franchise taxes, and miscellaneous charges
4 payable by domestic corporations, recording documents,
5 waiver of notice, action by shareholders, and or informal
6 action by directors, appeal from Secretary of State,
7 receipt in evidence of certificates and certified copies of
8 certain document forms, and powers of Secretary of State.

9 Corporations organized under the provisions of this Act, or
10 which were organized under the provisions of any other general
11 or special laws of this State and later reincorporated under
12 the provisions of this Act, for the purpose of operating any
13 railroad in this State, shall be entitled to the rights,
14 privileges, immunities, and franchises provided by this Act and
15 shall be in all respects governed by this Act unless otherwise
16 specified herein.

17 (d) Application to co-operative associations. Any
18 corporation organized under any general or special law of this
19 State as a co-operative association shall be entitled to the
20 benefits of this Act and shall be subject to all the provisions
21 hereof, in so far as they are not in conflict with the general
22 law or special Act under which it was organized, upon the
23 holders of two-thirds of its outstanding shares having voted to
24 accept the benefits of this Act and to be subject to all the
25 provisions hereof, except in so far as they may be in conflict
26 with the general or special law under which it was organized,

1 and the filing in the office of the Secretary of State of a
2 certificate setting forth such fact. Such certificate shall be
3 executed by such co-operative association by its president or
4 vice-president, and verified by him or her, attested by its
5 secretary or an assistant secretary. The notice of the meeting
6 at which such vote is taken, which may be either an annual or a
7 special meeting of shareholders, shall set forth that a vote
8 will be taken at such meeting on the acceptance by such
9 co-operative association of the provisions of this Act.

10 (e) Application of Act in certain cases. Nothing contained
11 in this Act shall be held or construed to:

12 (1) Authorize or permit the Illinois Central Railroad
13 Company to sell the railway constructed under its charter
14 approved February 10, 1851, or to mortgage the same except
15 subject to the rights of the State under its contract with
16 said company, contained in its said charter, or to dissolve
17 its corporate existence, or to relieve itself or its
18 corporate property from its obligations to the State, under
19 the provisions of said charter; nor shall anything herein
20 contained be so construed as to in any manner relieve or
21 discharge any railroad company, organized under the laws of
22 this State, from the duties or obligations imposed by
23 virtue of any statute now in force or hereafter enacted.

24 (2) Alter, modify, release, or impair the rights of
25 this State as now reserved to it in any railroad charter
26 heretofore granted, or to affect in any way the rights or

1 obligations of any railroad company derived from or imposed
2 by such charter.

3 (3) Alter, modify, or repeal any of the provisions of
4 the Public Utilities Act. The term "public utility" or
5 "public utilities" as used in this Act shall be the same as
6 defined in the Public Utilities Act.

7 (f) Application of Act to foreign and interstate commerce.
8 The provisions of this Act shall apply to commerce with foreign
9 nations and among the several states only in so far as the same
10 may be permitted under the provisions of the Constitution of
11 the United States.

12 (g) Requirement before incorporation of trust company.
13 Articles of incorporation for the organization of a corporation
14 for the purpose of accepting and executing trusts shall not be
15 filed by the Secretary of State until there is delivered to him
16 or her a statement executed by the Secretary of Financial and
17 Professional Regulation or the Secretary's predecessor, the
18 Commissioner of Banks and Real Estate, that the incorporators
19 of the corporation have made arrangements with the Secretary of
20 Financial and Professional Regulation or the Commissioner of
21 Banks and Real Estate to comply with the Corporate Fiduciary
22 Act.

23 (h) Application of certain existing acts. Corporations
24 organized under the laws of this State for the purpose of
25 accepting and executing trusts shall be subject to the
26 provisions of the Corporate Fiduciary Act.

1 Corporations organized for the purpose of building,
2 operating, and maintaining within this State any levee, canal,
3 or tunnel for agricultural, mining, or sanitary purposes, shall
4 be subject to the provisions of the Corporation Canal
5 Construction Act.

6 In any profession or occupation licensed by the Illinois
7 Department of Agriculture, the Department may, in determining
8 financial ratios and allowable assets, disregard notes and
9 accounts receivable to the corporate licensee from its officers
10 or directors or a parent or subsidiary corporation of such
11 licensee or any receivable owing to a licensee corporation from
12 an unincorporated division of the licensee or any share
13 subscription right owing to a corporation from its
14 shareholders.

15 (Source: P.A. 88-151; 89-508, eff. 7-3-96.)

16 (805 ILCS 5/1.80) (from Ch. 32, par. 1.80)

17 Sec. 1.80. Definitions. As used in this Act, unless the
18 context otherwise requires, the words and phrases defined in
19 this Section shall have the meanings set forth herein.

20 (a) "Corporation" or "domestic corporation" means a
21 corporation subject to the provisions of this Act, except a
22 foreign corporation.

23 (b) "Foreign corporation" means a corporation for profit
24 organized under laws other than the laws of this State, but
25 shall not include a banking corporation organized under the

1 laws of another state or of the United States, a foreign
2 banking corporation organized under the laws of a country other
3 than the United States and holding a certificate of authority
4 from the Secretary of Financial and Professional Regulation or
5 the Secretary's predecessor, the Commissioner of Banks and Real
6 Estate, issued pursuant to the Foreign Banking Office Act, or a
7 banking corporation holding a license from the Secretary of
8 Financial and Professional Regulation or the Secretary's
9 predecessor, the Commissioner of Banks and Real Estate, issued
10 pursuant to the Foreign Bank Representative Office Act.

11 (c) "Articles of incorporation" means the original
12 articles of incorporation, including the articles of
13 incorporation of a new corporation set forth in the articles of
14 consolidation, and all amendments thereto, whether evidenced
15 by articles of amendment, articles of merger, articles of
16 exchange, statement of correction affecting articles,
17 resolution establishing series of shares or a statement of
18 cancellation under Section 9.05. Restated articles of
19 incorporation shall supersede the original articles of
20 incorporation and all amendments thereto prior to the effective
21 date of filing the articles of amendment incorporating the
22 restated articles of incorporation.

23 (d) "Subscriber" means one who subscribes for shares in a
24 corporation, whether before or after incorporation.

25 (e) "Incorporator" means one of the signers of the original
26 articles of incorporation.

1 (f) "Shares" means the units into which the proprietary
2 interests in a corporation are divided.

3 (g) "Shareholder" means one who is a holder of record of
4 shares in a corporation.

5 (h) "Certificate" representing shares means a written
6 instrument executed by the proper corporate officers, as
7 required by Section 6.35 of this Act, evidencing the fact that
8 the person therein named is the holder of record of the share
9 or shares therein described. If the corporation is authorized
10 to issue uncertificated shares in accordance with Section 6.35
11 of this Act, any reference in this Act to shares represented by
12 a certificate shall also refer to uncertificated shares and any
13 reference to a certificate representing shares shall also refer
14 to the written notice in lieu of a certificate provided for in
15 Section 6.35.

16 (i) "Authorized shares" means the aggregate number of
17 shares of all classes which the corporation is authorized to
18 issue.

19 (j) "Paid-in capital" means the sum of the cash and other
20 consideration received, less expenses, including commissions,
21 paid or incurred by the corporation, in connection with the
22 issuance of shares, plus any cash and other consideration
23 contributed to the corporation by or on behalf of its
24 shareholders, plus amounts added or transferred to paid-in
25 capital by action of the board of directors or shareholders
26 pursuant to a share dividend, share split, or otherwise, minus

1 reductions as provided elsewhere in this Act. Irrespective of
2 the manner of designation thereof by the laws under which a
3 foreign corporation is or may be organized, paid-in capital of
4 a foreign corporation shall be determined on the same basis and
5 in the same manner as paid-in capital of a domestic
6 corporation, for the purpose of computing license fees,
7 franchise taxes and other charges imposed by this Act.

8 (k) "Net assets", for the purpose of determining the right
9 of a corporation to purchase its own shares and of determining
10 the right of a corporation to declare and pay dividends and
11 make other distributions to shareholders is equal to the
12 difference between the assets of the corporation and the
13 liabilities of the corporation.

14 (l) "Registered office" means that office maintained by the
15 corporation in this State, the address of which is on file in
16 the office of the Secretary of State, at which any process,
17 notice or demand required or permitted by law may be served
18 upon the registered agent of the corporation.

19 (m) "Insolvent" means that a corporation is unable to pay
20 its debts as they become due in the usual course of its
21 business.

22 (n) "Anniversary" means that day each year exactly one or
23 more years after:

24 (1) the date of filing the articles of incorporation
25 prescribed by Section 2.10 of this Act, in the case of a
26 domestic corporation;

1 (2) the date of filing the application for authority
2 prescribed by Section 13.15 of this Act, in the case of a
3 foreign corporation; or

4 (3) the date of filing the articles of consolidation
5 prescribed by Section 11.25 of this Act in the case of a
6 consolidation, unless the plan of consolidation provides
7 for a delayed effective date, pursuant to Section 11.40.

8 (o) "Anniversary month" means the month in which the
9 anniversary of the corporation occurs.

10 (p) "Extended filing month" means the month (if any) which
11 shall have been established in lieu of the corporation's
12 anniversary month in accordance with Section 14.01.

13 (q) "Taxable year" means that 12 month period commencing
14 with the first day of the anniversary month of a corporation
15 through the last day of the month immediately preceding the
16 next occurrence of the anniversary month of the corporation,
17 except that in the case of a corporation that has established
18 an extended filing month "taxable year" means that 12 month
19 period commencing with the first day of the extended filing
20 month through the last day of the month immediately preceding
21 the next occurrence of the extended filing month.

22 (r) "Fiscal year" means the 12 month period with respect to
23 which a corporation ordinarily files its federal income tax
24 return.

25 (s) "Close corporation" means a corporation organized
26 under or electing to be subject to Article 2A of this Act, the

1 articles of incorporation of which contain the provisions
2 required by Section 2.10, and either the corporation's articles
3 of incorporation or an agreement entered into by all of its
4 shareholders provide that all of the issued shares of each
5 class shall be subject to one or more of the restrictions on
6 transfer set forth in Section 6.55 of this Act.

7 (t) "Common shares" means shares which have no preference
8 over any other shares with respect to distribution of assets on
9 liquidation or with respect to payment of dividends.

10 (u) "Delivered", for the purpose of determining if any
11 notice required by this Act is effective, means:

12 (1) transferred or presented to someone in person; or

13 (2) deposited in the United States Mail addressed to
14 the person at his, her or its address as it appears on the
15 records of the corporation, with sufficient first-class
16 postage prepaid thereon.

17 (v) "Property" means gross assets including, without
18 limitation, all real, personal, tangible, and intangible
19 property.

20 (w) "Taxable period" means that 12-month period commencing
21 with the first day of the second month preceding the
22 corporation's anniversary month in the preceding year and prior
23 to the first day of the second month immediately preceding its
24 anniversary month in the current year, except that, in the case
25 of a corporation that has established an extended filing month,
26 "taxable period" means that 12-month period ending with the

1 last day of its fiscal year immediately preceding the extended
2 filing month. In the case of a newly formed domestic
3 corporation or a newly registered foreign corporation that had
4 not commenced transacting business in this State prior to
5 obtaining authority, "taxable period" means that period
6 commencing with the filing of the articles of incorporation or,
7 in the case of a foreign corporation, of filing of the
8 application for authority, and prior to the first day of the
9 second month immediately preceding its anniversary month in the
10 next succeeding year.

11 (x) "Treasury shares" mean (1) shares of a corporation that
12 have been issued, have been subsequently acquired by and belong
13 to the corporation, and have not been cancelled or restored to
14 the status of authorized but unissued shares and (2) shares (i)
15 declared and paid as a share dividend on the shares referred to
16 in clause (1) or this clause (2), or (ii) issued in a share
17 split of the shares referred to in clause (1) or this clause
18 (2). Treasury shares shall be deemed to be "issued" shares but
19 not "outstanding" shares. Treasury shares may not be voted,
20 directly or indirectly, at any meeting or otherwise. Shares
21 converted into or exchanged for other shares of the corporation
22 shall not be deemed to be treasury shares.

23 (y) "Gross amount of business" means gross receipts, from
24 whatever source derived.

25 (Source: P.A. 95-368, eff. 8-23-07.)

1 (805 ILCS 5/3.05) (from Ch. 32, par. 3.05)

2 Sec. 3.05. Purposes. Corporations for profit may be
3 organized under this Act for any lawful purpose or purposes,
4 except for the purpose of banking or insurance; provided,
5 however, that corporations may be organized under this Act for
6 the purpose of buying, selling, or otherwise dealing in notes
7 (not including the discounting of bills and notes and not
8 including the buying and selling of bills of exchange), open
9 accounts, and other similar evidences of debt, for the purpose
10 of carrying on the business of a syndicate or limited syndicate
11 under Article V-1/2 of the Illinois Insurance Code, or for the
12 purpose of carrying on business as a member of a group
13 including incorporated and individual unincorporated
14 underwriters when the Secretary of Financial and Professional
15 Regulation ~~Director of Insurance~~ finds that the group meets the
16 requirements of subsection (3) of Section 86 of the Illinois
17 Insurance Code and the corporations, if insolvent, are subject
18 to liquidation by the Secretary of Financial and Professional
19 Regulation ~~Director of Insurance~~ under Article XIII of the
20 Illinois Insurance Code.

21 Medical corporations, as authorized by the Medical
22 Corporation Act, may be organized under this Act.

23 Professional Service Corporations, as authorized by the
24 Professional Service Corporation Act, may be organized under
25 this Act.

26 (Source: P.A. 88-535.)

1 (805 ILCS 5/4.05) (from Ch. 32, par. 4.05)

2 Sec. 4.05. Corporate name of domestic or foreign
3 corporation.

4 (a) The corporate name of a domestic corporation or of a
5 foreign corporation organized, existing or subject to the
6 provisions of this Act:

7 (1) Shall contain, separate and apart from any other
8 word or abbreviation in such name, the word "corporation",
9 "company", "incorporated", or "limited", or an
10 abbreviation of one of such words, and if the name of a
11 foreign corporation does not contain, separate and apart
12 from any other word or abbreviation, one of such words or
13 abbreviations, the corporation shall add at the end of its
14 name, as a separate word or abbreviation, one of such words
15 or an abbreviation of one of such words.

16 (2) Shall not contain any word or phrase which
17 indicates or implies that the corporation (i) is authorized
18 or empowered to conduct the business of insurance,
19 assurance, indemnity, or the acceptance of savings
20 deposits; (ii) is authorized or empowered to conduct the
21 business of banking unless otherwise permitted by the
22 Secretary of Financial and Professional Regulation
23 ~~Commissioner of Banks and Real Estate~~ pursuant to Section
24 46 of the Illinois Banking Act; or (iii) is authorized or
25 empowered to be in the business of a corporate fiduciary

1 unless otherwise permitted by the Secretary of Financial
2 and Professional Regulation ~~Commissioner of Banks and Real~~
3 ~~Estate~~ under Section 1-9 of the Corporate Fiduciary Act.
4 The word "trust", "trustee", or "fiduciary" may be used by
5 a corporation only if it has first complied with Section
6 1-9 of the Corporate Fiduciary Act. The word "bank",
7 "banker" or "banking" may only be used by a corporation if
8 it has first complied with Section 46 of the Illinois
9 Banking Act.

10 (3) Shall be distinguishable upon the records in the
11 office of the Secretary of State from the name or assumed
12 name of any domestic corporation or limited liability
13 company organized under the Limited Liability Company Act,
14 whether profit or not for profit, existing under any Act of
15 this State or of the name or assumed name of any foreign
16 corporation or foreign limited liability company
17 registered under the Limited Liability Company Act,
18 whether profit or not for profit, authorized to transact
19 business in this State, or a name the exclusive right to
20 which is, at the time, reserved or registered in the manner
21 provided in this Act or Section 1-15 of the Limited
22 Liability Company Act, except that, subject to the
23 discretion of the Secretary of State, a foreign corporation
24 that has a name prohibited by this paragraph may be issued
25 a certificate of authority to transact business in this
26 State, if the foreign corporation:

1 (i) Elects to adopt an assumed corporate name or
2 names in accordance with Section 4.15 of this Act; and

3 (ii) Agrees in its application for a certificate of
4 authority to transact business in this State only under
5 such assumed corporate name or names.

6 (4) Shall contain the word "trust", if it be a domestic
7 corporation organized for the purpose of accepting and
8 executing trusts, shall contain the word "pawners", if it
9 be a domestic corporation organized as a pawners' society,
10 and shall contain the word "cooperative", if it be a
11 domestic corporation organized as a cooperative
12 association for pecuniary profit.

13 (5) Shall not contain a word or phrase, or an
14 abbreviation or derivation thereof, the use of which is
15 prohibited or restricted by any other statute of this State
16 unless such restriction has been complied with.

17 (6) Shall consist of letters of the English alphabet,
18 Arabic or Roman numerals, or symbols capable of being
19 readily reproduced by the office of the Secretary of State.

20 (7) Shall be the name under which the corporation shall
21 transact business in this State unless the corporation
22 shall also elect to adopt an assumed corporate name or
23 names as provided in this Act; provided, however, that the
24 corporation may use any divisional designation or trade
25 name without complying with the requirements of this Act,
26 provided the corporation also clearly discloses its

1 corporate name.

2 (8) (Blank).

3 (b) The Secretary of State shall determine whether a name
4 is "distinguishable" from another name for purposes of this
5 Act. Without excluding other names which may not constitute
6 distinguishable names in this State, a name is not considered
7 distinguishable, for purposes of this Act, solely because it
8 contains one or more of the following:

9 (1) the word "corporation", "company", "incorporated",
10 or "limited", "limited liability" or an abbreviation of one
11 of such words;

12 (2) articles, conjunctions, contractions,
13 abbreviations, different tenses or number of the same word;

14 (c) Nothing in this Section or Sections 4.15 or 4.20 shall:

15 (1) Require any domestic corporation existing or any
16 foreign corporation having a certificate of authority on
17 the effective date of this Act, to modify or otherwise
18 change its corporate name or assumed corporate name, if
19 any.

20 (2) Abrogate or limit the common law or statutory law
21 of unfair competition or unfair trade practices, nor
22 derogate from the common law or principles of equity or the
23 statutes of this State or of the United States with respect
24 to the right to acquire and protect copyrights, trade
25 names, trade marks, service names, service marks, or any
26 other right to the exclusive use of names or symbols.

1 (Source: P.A. 92-33, eff. 7-1-01.)

2 (805 ILCS 5/11.32)

3 Sec. 11.32. Merger or conversion of trust company into a
4 State bank.

5 (a) A trust company may merge into a State bank in the
6 following manner:

7 (1) The trust company shall comply with the provisions
8 of this Act with respect to the merger of domestic
9 corporations, and the surviving State bank shall comply
10 with the provisions of Section 30 of the Illinois Banking
11 Act.

12 (2) Section 11.50 of this Act shall, insofar as it is
13 applicable, apply to mergers between trust companies and
14 State banks.

15 (b) Whenever a trust company shall effect a conversion into
16 a State bank pursuant to Section 30 of the Illinois Banking
17 Act, it shall forthwith file with the Secretary of State a copy
18 of the certificate of conversion duly authenticated by the
19 Secretary of Financial and Professional Regulation
20 ~~Commissioner of Banks and Real Estate~~. The filing fee shall be
21 the same as for filing articles of merger.

22 (c) For the purpose of this Section 11.32, a "trust
23 company" means a corporation organized under this Act for the
24 purpose of accepting and executing trusts.

25 (Source: P.A. 90-301, eff. 8-1-97.)

1 Section 9875. The Professional Service Corporation Act is
2 amended by changing Section 12.1 as follows:

3 (805 ILCS 10/12.1) (from Ch. 32, par. 415-12.1)

4 Sec. 12.1. Any corporation which on 2 occasions issues or
5 delivers a check or other order to the Department of
6 Professional Regulation or its successor, the Department of
7 Financial and Professional Regulation, which is not honored by
8 the financial institution upon which it is drawn because of
9 insufficient funds on account, shall pay to the Department of
10 Financial and Professional Regulation, in addition to the
11 amount owing upon such check or other order, a fee of \$50. If
12 such check or other order was issued or delivered in payment of
13 a renewal fee and the corporation whose certificate of
14 registration has lapsed continues to practice as a corporation
15 without paying the renewal fee and the \$50 fee required under
16 this Section, an additional fee of \$100 shall be imposed for
17 practicing without a current license. The Department shall
18 notify the corporation whose certificate of registration has
19 lapsed, within 30 days after the discovery by the Department
20 that such corporation is operating without a current
21 certificate, that the corporation is operating without a
22 certificate, and of the amount due to the Department, which
23 shall include the lapsed renewal fee and all other fees
24 required by this Section. If after the expiration of 30 days

1 from the date of such notification, the corporation whose
2 certificate has lapsed seeks a current certificate, it shall
3 thereafter apply to the Department for reinstatement of the
4 certificate and pay all fees due to the Department. The
5 Department may establish a fee for the processing of an
6 application for reinstatement of a certificate which allows the
7 Department to pay all costs and expenses incident to the
8 processing of this application. The Secretary of Financial and
9 Professional Regulation ~~Director~~ may waive the fees due under
10 this Section in individual cases where he finds that in the
11 particular case such fees would be unreasonable or
12 unnecessarily burdensome.

13 (Source: P.A. 85-1209.)

14 Section 9877. The Medical Corporation Act is amended by
15 changing Section 5 as follows:

16 (805 ILCS 15/5) (from Ch. 32, par. 635)

17 Sec. 5. No corporation shall open, operate or maintain an
18 establishment for any of the purposes set forth in Section 2 of
19 this Act without a certificate of registration from the
20 Department of Financial and Professional Regulation or its
21 predecessor, the Department of Professional Regulation,
22 hereinafter called the Department. Application for such
23 registration shall be made to the Department in writing and
24 shall contain the name and address of the corporation and such

1 other information as may be required by the Department. Upon
2 receipt of such application, the Department shall make an
3 investigation of the corporation. If the Department finds that
4 the incorporators, officers, directors and shareholders are
5 all licensed pursuant to the Medical Practice Act of 1987 and
6 if no disciplinary action is pending before the Department
7 against any of them, and if it appears that the corporation
8 will be conducted in compliance with law and the regulations of
9 the Department, the Department shall issue, upon payment of a
10 registration fee of \$50, a certificate of registration.

11 (Source: P.A. 85-1209.)

12 Section 9880. The Illinois Development Credit Corporation
13 Act is amended by adding Section 1.5 as follows:

14 (805 ILCS 35/1.5 new)

15 Sec. 1.5. References to Department or Director of Financial
16 Institutions. On and after the effective date of this
17 amendatory Act of the 95th General Assembly:

18 (1) References in this Act to the Department of
19 Financial Institutions or "the Department" mean the
20 Department of Financial and Professional Regulation.

21 (2) References in this Act to the Director of Financial
22 Institutions or "the Director" mean the Secretary of
23 Financial and Professional Regulation.

1 Section 9885. The Limited Liability Company Act is amended
2 by changing Sections 1-10, 1-25, 5-5, and 5-55 as follows:

3 (805 ILCS 180/1-10)

4 Sec. 1-10. Limited liability company name.

5 (a) The name of each limited liability company as set forth
6 in its articles of organization:

7 (1) shall contain the terms "limited liability
8 company", "L.L.C.", or "LLC";

9 (2) may not contain a word or phrase, or an
10 abbreviation or derivation thereof, the use of which is
11 prohibited or restricted by any other statute of this State
12 unless the restriction has been complied with;

13 (3) shall consist of letters of the English alphabet,
14 Arabic or Roman numerals, or symbols capable of being
15 readily reproduced by the Office of the Secretary of State;

16 (4) shall not contain any of the following terms:
17 "Corporation," "Corp.," "Incorporated," "Inc.," "Ltd.,"
18 "Co.," "Limited Partnership" or "L.P.";

19 (5) shall be the name under which the limited liability
20 company transacts business in this State unless the limited
21 liability company also elects to adopt an assumed name or
22 names as provided in this Act; provided, however, that the
23 limited liability company may use any divisional
24 designation or trade name without complying with the
25 requirements of this Act, provided the limited liability

1 company also clearly discloses its name;

2 (6) shall not contain any word or phrase that indicates
3 or implies that the limited liability company is authorized
4 or empowered to be in the business of a corporate fiduciary
5 unless otherwise permitted by the Secretary of Financial
6 and Professional Regulation ~~Commissioner of the Office of~~
7 ~~Banks and Real Estate~~ under Section 1-9 of the Corporate
8 Fiduciary Act. The word "trust", "trustee", or "fiduciary"
9 may be used by a limited liability company only if it has
10 first complied with Section 1-9 of the Corporate Fiduciary
11 Act; and

12 (7) shall contain the word "trust", if it is a limited
13 liability company organized for the purpose of accepting
14 and executing trusts.

15 (b) Nothing in this Section or Section 1-20 shall abrogate
16 or limit the common law or statutory law of unfair competition
17 or unfair trade practices, nor derogate from the common law or
18 principles of equity or the statutes of this State or of the
19 United States of America with respect to the right to acquire
20 and protect copyrights, trade names, trademarks, service
21 marks, service names, or any other right to the exclusive use
22 of names or symbols.

23 (c) (Blank).

24 (d) The name shall be distinguishable upon the records in
25 the Office of the Secretary of State from all of the following:

26 (1) Any limited liability company that has articles of

1 organization filed with the Secretary of State under
2 Section 5-5.

3 (2) Any foreign limited liability company admitted to
4 transact business in this State.

5 (3) Any name for which an exclusive right has been
6 reserved in the Office of the Secretary of State under
7 Section 1-15.

8 (4) Any assumed name that is registered with the
9 Secretary of State under Section 1-20.

10 (5) Any corporate name or assumed corporate name of a
11 domestic or foreign corporation subject to the provisions
12 of Section 4.05 of the Business Corporation Act of 1983 or
13 Section 104.05 of the General Not For Profit Corporation
14 Act of 1986.

15 (e) The provisions of subsection (d) of this Section shall
16 not apply if the organizer files with the Secretary of State a
17 certified copy of a final decree of a court of competent
18 jurisdiction establishing the prior right of the applicant to
19 the use of that name in this State.

20 (f) The Secretary of State shall determine whether a name
21 is "distinguishable" from another name for the purposes of this
22 Act. Without excluding other names that may not constitute
23 distinguishable names in this State, a name is not considered
24 distinguishable, for purposes of this Act, solely because it
25 contains one or more of the following:

26 (1) The word "limited", "liability" or "company" or an

1 abbreviation of one of those words.

2 (2) Articles, conjunctions, contractions,
3 abbreviations, or different tenses or number of the same
4 word.

5 (Source: P.A. 92-33, eff. 7-1-01; 93-59, eff. 7-1-03.)

6 (805 ILCS 180/1-25)

7 Sec. 1-25. Nature of business. A limited liability company
8 may be formed for any lawful purpose or business except:

9 (1) (blank);

10 (2) insurance unless, for the purpose of carrying on
11 business as a member of a group including incorporated and
12 individual unincorporated underwriters, the Secretary of
13 Financial and Professional Regulation ~~Director of~~
14 ~~Insurance~~ finds that the group meets the requirements of
15 subsection (3) of Section 86 of the Illinois Insurance Code
16 and the limited liability company, if insolvent, is subject
17 to liquidation by the Secretary of Financial and
18 Professional Regulation ~~Director of Insurance~~ under
19 Article XIII of the Illinois Insurance Code;

20 (3) the practice of dentistry unless all the members
21 and managers are licensed as dentists under the Illinois
22 Dental Practice Act; or

23 (4) the practice of medicine unless all the managers,
24 if any, are licensed to practice medicine under the Medical
25 Practice Act of 1987 and each member is either:

1 (A) licensed to practice medicine under the
2 Medical Practice Act of 1987; or

3 (B) a registered medical corporation or
4 corporations organized pursuant to the Medical
5 Corporation Act; or

6 (C) a professional corporation organized pursuant
7 to the Professional Service Corporation Act of
8 physicians licensed to practice medicine in all its
9 branches; or

10 (D) a limited liability company that satisfies the
11 requirements of subparagraph (A), (B), or (C).

12 (Source: P.A. 95-331, eff. 8-21-07.)

13 (805 ILCS 180/5-5)

14 Sec. 5-5. Articles of organization.

15 (a) The articles of organization shall set forth all of the
16 following:

17 (1) The name of the limited liability company and the
18 address of its principal place of business which may, but
19 need not be a place of business in this State.

20 (2) The purposes for which the limited liability
21 company is organized, which may be stated to be, or to
22 include, the transaction of any or all lawful businesses
23 for which limited liability companies may be organized
24 under this Act.

25 (3) The name of its registered agent and the address of

1 its registered office.

2 (4) If the limited liability company is to be managed
3 by a manager or managers, the names and business addresses
4 of the initial manager or managers.

5 (5) If management of the limited liability company is
6 to be vested in the members under Section 15-1, then the
7 names and addresses of the initial member or members.

8 (6) The latest date, if any, upon which the limited
9 liability company is to dissolve and other events of
10 dissolution, if any, that may be agreed upon by the members
11 under Section 35-1 hereof.

12 (7) The name and address of each organizer.

13 (8) Any other provision, not inconsistent with law,
14 that the members elect to set out in the articles of
15 organization for the regulation of the internal affairs of
16 the limited liability company, including any provisions
17 that, under this Act, are required or permitted to be set
18 out in the operating agreement of the limited liability
19 company.

20 (b) A limited liability company is organized at the time
21 articles of organization are filed by the Secretary of State or
22 at any later time, not more than 60 days after the filing of
23 the articles of organization, specified in the articles of
24 organization.

25 (c) Articles of organization for the organization of a
26 limited liability company for the purpose of accepting and

1 executing trusts shall not be filed by the Secretary of State
2 until there is delivered to him or her a statement executed by
3 the Secretary of Financial and Professional Regulation or the
4 Secretary's predecessor, the Commissioner of the Office of
5 Banks and Real Estate, that the organizers of the limited
6 liability company have made arrangements with the Secretary of
7 Financial and Professional Regulation or the Commissioner of
8 the Office of Banks and Real Estate to comply with the
9 Corporate Fiduciary Act.

10 (d) Articles of organization for the organization of a
11 limited liability company as a bank or a savings bank must be
12 filed with the Secretary of Financial and Professional
13 Regulation ~~Commissioner of Banks and Real Estate~~ or, if the
14 bank or savings bank will be organized under federal law, with
15 the appropriate federal banking regulator.

16 (Source: P.A. 93-561, eff. 1-1-04.)

17 (805 ILCS 180/5-55)

18 Sec. 5-55. Filing in Office of Secretary of State.

19 (a) Whenever any provision of this Act requires a limited
20 liability company to file any document with the Office of the
21 Secretary of State, the requirement means that:

22 (1) the original document, executed as described in
23 Section 5-45, and, if required by this Act to be filed in
24 duplicate, one copy (which may be a signed carbon or
25 photocopy) shall be delivered to the Office of the

1 Secretary of State;

2 (2) all fees and charges authorized by law to be
3 collected by the Secretary of State in connection with the
4 filing of the document shall be tendered to the Secretary
5 of State; and

6 (3) unless the Secretary of State finds that the
7 document does not conform to law, he or she shall, when all
8 fees have been paid:

9 (A) endorse on the original and on the copy the
10 word "Filed" and the month, day, and year of the filing
11 thereof;

12 (B) file in his or her office the original of the
13 document; and

14 (C) return the copy to the person who filed it or
15 to that person's representative.

16 (b) If another Section of this Act specifically prescribes
17 a manner of filing or signing a specified document that differs
18 from the corresponding provisions of this Section, then the
19 provisions of the other Section shall govern.

20 (c) Whenever any provision of this Act requires a limited
21 liability company that is a bank or a savings bank to file any
22 document, that requirement means that the filing shall be made
23 exclusively with the Secretary of Financial and Professional
24 Regulation ~~Commissioner of Banks and Real Estate~~ or, if the
25 bank or savings bank is organized under federal law, with the
26 appropriate federal banking regulator at such times and in such

1 manner as required by the Secretary ~~Commissioner~~ or federal
2 regulator.

3 (Source: P.A. 92-33, eff. 7-1-01; 93-561, eff. 1-1-04.)

4 Section 9890. The Revised Uniform Limited Partnership Act
5 is amended by changing Section 105 as follows:

6 (805 ILCS 210/105) (from Ch. 106 1/2, par. 151-6)

7 (Section scheduled to be repealed on January 1, 2008)

8 Sec. 105. Nature of Business. A limited partnership may
9 carry on any business that a partnership without limited
10 partners may carry on except banking, the operation of
11 railroads, and insurance unless carried on as a business of a
12 limited syndicate authorized and regulated by the Secretary of
13 Financial and Professional Regulation ~~Director of Insurance~~
14 under Article V 1/2 of the Illinois Insurance Code or for the
15 purpose of carrying on business as a member of a group
16 including incorporated and individual unincorporated
17 underwriters when the Secretary of Financial and Professional
18 Regulation ~~Director of Insurance~~ finds that the group meets the
19 requirements of subsection (3) of Section 86 of the Illinois
20 Insurance Code and the limited partnership, if insolvent, is
21 subject to liquidation by the Secretary of Financial and
22 Professional Regulation ~~Director of Insurance~~ under Article
23 XIII of the Illinois Insurance Code.

24 (Source: P.A. 91-593, eff. 8-14-99; 93-967, eff. 1-1-05.)

1 Repealed on 1-1-2008 by 805 ILCS 215/1401.)

2 Section 9891. The Uniform Limited Partnership Act (2001) is
3 amended by changing Section 104 as follows:

4 (805 ILCS 215/104)

5 Sec. 104. Nature, purpose, and duration of entity.

6 (a) A limited partnership is an entity distinct from its
7 partners. A limited partnership is the same entity regardless
8 of whether its certificate states that the limited partnership
9 is a limited liability limited partnership.

10 (b) A limited partnership may be organized under this Act
11 for any lawful purpose and may carry on any business that a
12 partnership without limited partners may carry on except
13 banking, the operation of railroads, and insurance unless
14 carried on as a business of a limited syndicate authorized and
15 regulated by the Secretary of Financial and Professional
16 Regulation ~~Director of Insurance~~ under Article V 1/2 of the
17 Illinois Insurance Code or for the purpose of carrying on
18 business as a member of a group including incorporated and
19 individual unincorporated underwriters when the Secretary of
20 Financial and Professional Regulation ~~Director of Insurance~~
21 finds that the group meets the requirements of subsection (3)
22 of Section 86 of the Illinois Insurance Code and the limited
23 partnership, if insolvent, is subject to liquidation by the
24 Secretary of Financial and Professional Regulation ~~Director of~~

1 ~~Insurance~~ under Article XIII of the Illinois Insurance Code.

2 (c) A limited partnership has a perpetual duration.

3 (Source: P.A. 93-967, eff. 1-1-05.)

4 Section 9895. The High Risk Home Loan Act is amended by
5 adding Section 2 as follows:

6 (815 ILCS 137/2 new)

7 Sec. 2. References to Office or Commissioner of Banks and
8 Real Estate. On and after the effective date of this amendatory
9 Act of the 95th General Assembly, unless the context requires
10 otherwise:

11 (1) References in this Act to the Office of Banks and
12 Real Estate or "the Office" mean the Department of
13 Financial and Professional Regulation.

14 (2) References in this Act to the Commissioner of Banks
15 and Real Estate or "the Commissioner" mean the Secretary of
16 Financial and Professional Regulation.

17 Section 9900. The Illinois Loan Brokers Act of 1995 is
18 amended by changing Sections 15-5.15 and 15-80 as follows:

19 (815 ILCS 175/15-5.15)

20 Sec. 15-5.15. Loan broker.

21 (a) "Loan Broker" means any person who, in return for a
22 fee, commission, or other compensation from any person,

1 promises to procure a loan for any person or assist any person
2 in procuring a loan from any third party, or who promises to
3 consider whether or not to make a loan to any person.

4 (b) Loan broker does not include any of the following:

5 (1) Any bank, savings bank, trust company, savings and
6 loan association, credit union or any other financial
7 institution regulated by any agency of the United States or
8 authorized to do business in this State.

9 (2) Any person authorized to sell and service loans for
10 the federal National Mortgage Association or the federal
11 Home Loan Mortgage Corporation, issue securities backed by
12 the Government National Mortgage Association, make loans
13 insured by the federal Department of Housing and Urban
14 Development, make loans guaranteed by the federal Veterans
15 Administration, or act as a correspondent of loans insured
16 by the federal Department of Housing and Urban Development
17 or guaranteed by the federal Veterans Administration.

18 (3) Any insurance producer or company authorized to do
19 business in this State.

20 (4) Any person arranging financing for the sale of the
21 person's product.

22 (5) Any person authorized to conduct business under the
23 Residential Mortgage License Act of 1987.

24 (6) Any person authorized to do business in this State
25 and regulated by the Department of Financial and
26 Professional Regulation as the successor of the Department

1 of Financial Institutions or the Office of Banks and Real
2 Estate.

3 (Source: P.A. 92-308, eff. 1-1-02.)

4 (815 ILCS 175/15-80)

5 Sec. 15-80. Persons exempt from registration and other
6 duties; burden of proof thereof.

7 (a) The following persons are exempt from the requirements
8 of Sections 15-10, 15-15, 15-20, 15-25, 15-30, 15-35, 15-40,
9 and 15-75 of this Act:

10 (1) Any attorney while engaging in the practice of law.

11 (2) Any certified public accountant licensed to
12 practice in Illinois, while engaged in practice as a
13 certified public accountant and whose service in relation
14 to procurement of a loan is incidental to his or her
15 practice.

16 (3) Any person licensed to engage in business as a real
17 estate broker or salesperson in Illinois while rendering
18 services in the ordinary course of a transaction in which a
19 license as a real estate broker or salesperson is required.

20 (4) Any dealer, salesperson or investment adviser
21 registered under the Illinois Securities Law of 1953, or an
22 investment advisor, representative, or any person who is
23 regularly engaged in the business of offering or selling
24 securities in a transaction exempted under subsection C, H,
25 M, R, Q, or S of Section 4 of the Illinois Securities Law

1 of 1953 or subsection G of Section 4 of the Illinois
2 Securities Law of 1953 provided that such person is
3 registered under the federal securities law.

4 (4.1) An associated person described in subdivision
5 (h) (2) of Section 15 of the Federal 1934 Act.

6 (4.2) An investment adviser registered pursuant to
7 Section 203 of the Federal 1940 Investment Advisors Act.

8 (4.3) A person described in subdivision (a) (11) of
9 Section 202 of the Federal 1940 Investment Advisors Act.

10 (5) Any person whose fee is wholly contingent on the
11 successful procurement of a loan from a third party and to
12 whom no fee, other than a bona fide third party fee, is
13 paid before the procurement.

14 (6) Any person who is a creditor, or proposed to be a
15 creditor, for any loan.

16 (7) (Blank).

17 (8) Any person regulated by the Department of Financial
18 and Professional Regulation as the successor of the
19 Department of Financial Institutions or the Office of Banks
20 and Real Estate, or any insurance producer or company
21 authorized to do business in this State.

22 (b) As used in this Section, "bona fide third party fee"
23 includes fees for:

24 (1) Credit reports, appraisals and investigations.

25 (2) If the loan is to be secured by real property,
26 title examinations, an abstract of title, title insurance,

1 a property survey and similar purposes.

2 (c) As used in this Section, "successful procurement of a
3 loan" means that a binding commitment from a creditor to
4 advance money has been received and accepted by the borrower.

5 (d) The burden of proof of any exemption provided in this
6 Act shall be on the party claiming the exemption.

7 (Source: P.A. 90-70, eff. 7-8-97; 91-435, eff. 8-6-99.)

8 Section 9905. The Collateral Protection Act is amended by
9 changing Section 35 as follows:

10 (815 ILCS 180/35)

11 Sec. 35. Selection of insurance carrier. Collateral
12 protection insurance may be placed with any insurance carrier
13 selected by the creditor that is licensed to underwrite the
14 insurance by the Department of Financial and Professional
15 Regulation ~~Insurance~~. The insurance shall be evidenced by an
16 individual policy or a certificate of insurance.

17 (Source: P.A. 89-623, eff. 8-9-96.)

18 Section 9910. The Interest Act is amended by changing
19 Sections 4.2, 4a, 6, and 11 as follows:

20 (815 ILCS 205/4.2) (from Ch. 17, par. 6407)

21 Sec. 4.2. Revolving credit; billing statements;
22 disclosures. On a revolving credit which complies with

1 subparagraphs (a), (b), (c), (d) and (e) of this Section 4.2,
2 it is lawful for any bank that has its main office or, after
3 May 31, 1997, a branch in this State, a state or federal
4 savings and loan association with its main office in this
5 State, a state or federal credit union with its main office in
6 this State, or a lender licensed under the Consumer Finance
7 Act, the Consumer Installment Loan Act or the Sales Finance
8 Agency Act, as such Acts are now and hereafter amended, to
9 receive or contract to receive and collect interest in any
10 amount or at any rate agreed upon by the parties to the
11 revolving credit arrangement. It is lawful for any other lender
12 to receive or contract to receive and collect interest in an
13 amount not in excess of 1 1/2% per month of either the average
14 daily unpaid balance of the principal of the debt during the
15 billing cycle, or of the unpaid balance of the debt on
16 approximately the same day of the billing cycle. If a lender
17 under a revolving credit arrangement notifies the debtor at
18 least 30 days in advance of any lawful increase in the amount
19 or rate of interest to be charged under the revolving credit
20 arrangement, and the debtor, after the effective date of such
21 notice, incurs new debt pursuant to the revolving credit
22 arrangement, the increased interest amount or rate may be
23 applied only to any such new debt incurred under the revolving
24 credit arrangement. For purposes of determining the balances to
25 which the increased interest rate applies, all payments and
26 other credits may be deemed to be applied to the balance

1 existing prior to the change in rate until that balance is paid
2 in full. The face amount of the drafts, items, orders for the
3 payment of money, evidences of debt, or similar written
4 instruments received by the lender in connection with the
5 revolving credit, less the amounts applicable to principal from
6 time to time paid thereon by the debtor, are the unpaid balance
7 of the debt upon which the interest is computed. If the billing
8 cycle is not monthly, the maximum interest rate for the billing
9 cycle is the percentage which bears the same relation to the
10 monthly percentage provided for in the preceding sentence as
11 the number of days in the billing cycle bears to 30. For the
12 purposes of the foregoing computation, a "month" is deemed to
13 be any time of 30 consecutive days. In addition to the interest
14 charge provided for, it is lawful to receive, contract for or
15 collect a charge not exceeding 25 cents for each transaction in
16 which a loan or advance is made under the revolving credit or
17 in lieu of this additional charge an annual fee for the
18 privilege of receiving and using the revolving credit in an
19 amount not exceeding \$20. In addition, with respect to
20 revolving credit secured by an interest in real estate, it is
21 also lawful to receive, contract for or collect fees lawfully
22 paid to any public officer or agency to record, file or release
23 the security, and costs and disbursements actually incurred for
24 any title insurance, title examination, abstract of title,
25 survey, appraisal, escrow fees, and fees paid to a trustee in
26 connection with a trust deed.

1 (a) At or before the date a bill or statement is first
2 rendered to the debtor under a revolving credit arrangement,
3 the lender must mail or deliver to the debtor a written
4 description of the conditions under which a charge for interest
5 may be made and the method, including the rate, of computing
6 these interest charges. The rate of interest must be expressed
7 as an annual percentage rate.

8 (b) If during any billing cycle any debit or credit entry
9 is made to a debtor's revolving credit account, and if at the
10 end of that billing cycle there is an unpaid balance owing to
11 the lender from the debtor, the lender must give to the debtor
12 the following information within a reasonable time after the
13 end of the billing cycle:

14 (i) the unpaid balance at the beginning of the billing
15 cycle;

16 (ii) the date and amount of all loans or advances made
17 during the billing cycle, which information may be supplied
18 by enclosing a copy of the drafts, items, orders for the
19 payment of money, evidences of debt or similar written
20 instruments presented to the lender during the billing
21 cycle;

22 (iii) the payments by the debtor to the lender and any
23 other credits to the debtor during the billing cycle;

24 (iv) the amount of interest and other charges, if any,
25 charged to the debtor's account during the billing cycle;

26 (v) the amount which must be currently paid by the

1 debtor and the date on which that amount must be paid in
2 order to avoid delinquency;

3 (vi) the total amount remaining unpaid at the end of
4 the billing cycle and the right of the debtor to prepay
5 that amount in full without penalty; and

6 (vii) information required by (iv), (v) and (vi) must
7 be set forth in type of equal size and equal
8 conspicuousness.

9 (c) The revolving credit arrangement may provide for the
10 payment by the debtor and receipt by the lender of all costs
11 and disbursements, including reasonable attorney's fees,
12 incurred by the lender in legal proceedings to collect or
13 enforce the debt in the event of delinquency by the debtor or
14 in the event of a breach of any obligation of the debtor under
15 the arrangement.

16 (d) The lender under a revolving credit arrangement may
17 provide credit life insurance or credit accident and health
18 insurance, or both, with respect to the debtor and may charge
19 the debtor therefor. Credit life insurance and credit accident
20 and health insurance, and any charge therefor made to the
21 debtor, shall comply with Article IX 1/2 of the Illinois
22 Insurance Code, as now or hereafter amended, and all lawful
23 requirements of the Secretary of Financial and Professional
24 Regulation ~~Director of Insurance~~ related thereto. This
25 insurance is in force with respect to each loan or advance made
26 under a revolving credit arrangement as soon as the loan or

1 advance is made. The purchase of this insurance from an agent,
2 broker or insurer specified by the lender may not be a
3 condition precedent to the revolving credit arrangement or to
4 the making of any loan or advance thereunder.

5 (e) Whenever interest is contracted for or received under
6 this Section, no amount in addition to the charges authorized
7 by this Act may be directly or indirectly charged, contracted
8 for or received whether as interest, service charges, costs of
9 investigations or enforcements or otherwise.

10 (f) The lender under a revolving credit arrangement must
11 compute at year end the total amount charged to the debtor's
12 account during the year, including service charges, finance
13 charges, late charges and any other charges authorized by this
14 Act, and upon request must furnish such information to the
15 debtor within 30 days after the end of the year, or if the
16 account has been terminated during such year, may give such
17 requested information within 30 days after such termination.
18 The lender shall annually inform the debtor of his right to
19 obtain such information.

20 (g) A lender who complies with the federal Truth in Lending
21 Act, amendments thereto, and any regulations issued or which
22 may be issued thereunder, shall be deemed to be in compliance
23 with the provisions of subparagraphs (a) and (b) of this
24 Section.

25 (h) Anything in this Section 4.2 to the contrary
26 notwithstanding, if the Congress of the United States or any

1 federal agency authorizes any class of lenders to enter, within
2 limitations, into a revolving credit arrangement secured by a
3 mortgage or deed of trust on residential real property, any
4 person, firm, corporation or other entity, not otherwise
5 prohibited by the Congress of the United States or any federal
6 agency from entering into revolving credit arrangements
7 secured by a mortgage or deed of trust on residential real
8 property, may enter into such arrangements within the same
9 limitations.

10 (Source: P.A. 89-208, eff. 9-29-95.)

11 (815 ILCS 205/4a) (from Ch. 17, par. 6410)

12 Sec. 4a. Installment loan rate.

13 (a) On money loaned to or in any manner owing from any
14 person, whether secured or unsecured, except where the money
15 loaned or in any manner owing is directly or indirectly for the
16 purchase price of real estate or an interest therein and is
17 secured by a lien on or retention of title to that real estate
18 or interest therein, to an amount not more than \$25,000
19 (excluding interest) which is evidenced by a written instrument
20 providing for the payment thereof in 2 or more periodic
21 installments over a period of not more than 181 months from the
22 date of the execution of the written instrument, it is lawful
23 to receive or to contract to receive and collect either:

24 (i) interest in an amount equivalent to interest
25 computed at a rate not exceeding 9% per year on the entire

1 principal amount of the money loaned or in any manner owing
2 for the period from the date of the making of the loan or
3 the incurring of the obligation for the amount owing
4 evidenced by the written instrument until the date of the
5 maturity of the last installment thereof, and to add that
6 amount to the principal, except that there shall be no
7 limit on the rate of interest which may be received or
8 contracted to be received and collected by (1) any bank
9 that has its main office or, after May 31, 1997, a branch
10 in this State; (2) a savings and loan association chartered
11 under the Illinois Savings and Loan Act of 1985, a savings
12 bank chartered under the Savings Bank Act, or a federal
13 savings and loan association established under the laws of
14 the United States and having its main office in this State;
15 or (3) any lender licensed under either the Consumer
16 Finance Act or the Consumer Installment Loan Act, but in
17 any case in which interest is received, contracted for or
18 collected on the basis of this clause (i), the debtor may
19 satisfy in full at any time before maturity the debt
20 evidenced by the written instrument, and in so satisfying
21 must receive a refund credit against the total amount of
22 interest added to the principal computed in the manner
23 provided under Section 15(f)(3) of the Consumer
24 Installment Loan Act for refunds or credits of applicable
25 interest on payment in full of precomputed loans before the
26 final installment due date; or

1 (ii) interest accrued on the principal balance from
2 time to time remaining unpaid, from the date of making of
3 the loan or the incurring of the obligation to the date of
4 the payment of the debt in full, at a rate not exceeding
5 the annual percentage rate equivalent of the rate permitted
6 to be charged under clause (i) above, but in any such case
7 the debtor may, provided that the debtor shall have paid in
8 full all interest and other charges accrued to the date of
9 such prepayment, prepay the principal balance in full or in
10 part at any time, and interest shall, upon any such
11 prepayment, cease to accrue on the principal amount which
12 has been prepaid.

13 (b) Whenever the principal amount of an installment loan is
14 \$300 or more and the repayment period is 6 months or more, a
15 minimum charge of \$15 may be collected instead of interest, but
16 only one minimum charge may be collected from the same person
17 during one year. When the principal amount of the loan
18 (excluding interest) is \$800 or less, the lender or creditor
19 may contract for and receive a service charge not to exceed \$5
20 in addition to interest; and that service charge may be
21 collected when the loan is made, but only one service charge
22 may be contracted for, received, or collected from the same
23 person during one year.

24 (c) Credit life insurance and credit accident and health
25 insurance, and any charge therefor which is deducted from the
26 loan or paid by the obligor, must comply with Article IX 1/2 of

1 the Illinois Insurance Code and all lawful requirements of the
2 Secretary of Financial and Professional Regulation ~~Director of~~
3 ~~Insurance~~ related thereto. When there are 2 or more obligors on
4 the loan contract, only one charge for credit life insurance
5 and credit accident and health insurance may be made and only
6 one of the obligors may be required to be insured. Insurance
7 obtained from, by or through the lender or creditor must be in
8 effect when the loan is transacted. The purchase of that
9 insurance from an agent, broker or insurer specified by the
10 lender or creditor may not be a condition precedent to the
11 granting of the loan.

12 (d) The lender or creditor may require the obligor to
13 provide property insurance on security other than household
14 goods, furniture and personal effects. The amount and term of
15 the insurance must be reasonable in relation to the amount and
16 term of the loan contract and the type and value of the
17 security, and the insurance must be procured in accordance with
18 the insurance laws of this State. The purchase of that
19 insurance from an agent, broker or insurer specified by the
20 lender or creditor may not be a condition precedent to the
21 granting of the loan.

22 (e) The lender or creditor may, if the contract provides,
23 collect a delinquency and collection charge on each installment
24 in default for a period of not less than 10 days in an amount
25 not exceeding 5% of the installment on installments in excess
26 of \$200 or \$10 on installments of \$200 or less, but only one

1 delinquency and collection charge may be collected on any
2 installment regardless of the period during which it remains in
3 default. In addition, the contract may provide for the payment
4 by the borrower or debtor of attorney's fees incurred by the
5 lender or creditor. The lender or creditor may enforce such a
6 provision to the extent of the reasonable attorney's fees
7 incurred by him in the collection or enforcement of the
8 contract or obligation. Whenever interest is contracted for or
9 received under this Section, no amount in addition to the
10 charges authorized by this Section may be directly or
11 indirectly charged, contracted for or received, except lawful
12 fees paid to a public officer or agency to record, file or
13 release security, and except costs and disbursements including
14 reasonable attorney's fees, incurred in legal proceedings to
15 collect a loan or to realize on a security after default. This
16 Section does not prohibit the receipt of any commission,
17 dividend or other benefit by the creditor or an employee,
18 affiliate or associate of the creditor from the insurance
19 authorized by this Section.

20 (f) When interest is contracted for or received under this
21 Section, the lender must disclose the following items to the
22 obligor in a written statement before the loan is consummated:

23 (1) the amount and date of the loan contract;

24 (2) the amount of loan credit using the term "amount
25 financed";

26 (3) every deduction from the amount financed or payment

1 made by the obligor for insurance and the type of insurance
2 for which each deduction or payment was made;

3 (4) every other deduction from the loan or payment made
4 by the obligor in connection with obtaining the loan;

5 (5) the date on which the finance charge begins to
6 accrue if different from the date of the transaction;

7 (6) the total amount of the loan charge for the
8 scheduled term of the loan contract with a description of
9 each amount included using the term "finance charge";

10 (7) the finance charge expressed as an annual
11 percentage rate using the term "annual percentage rate".
12 "Annual percentage rate" means the nominal annual
13 percentage rate of finance charge determined in accordance
14 with the actuarial method of computation with an accuracy
15 at least to the nearest 1/4 of 1%; or at the option of the
16 lender by application of the United States rule so that it
17 may be disclosed with an accuracy at least to the nearest
18 1/4 of 1%;

19 (8) the number, amount and due dates or periods of
20 payments scheduled to repay the loan and the sum of such
21 payments using the term "total of payments";

22 (9) the amount, or method of computing the amount of
23 any default, delinquency or similar charges payable in the
24 event of late payments;

25 (10) the right of the obligor to prepay the loan and
26 the fact that such prepayment will reduce the charge for

1 the loan;

2 (11) a description or identification of the type of any
3 security interest held or to be retained or acquired by the
4 lender in connection with the loan and a clear
5 identification of the property to which the security
6 interest relates. If after-acquired property will be
7 subject to the security interest, or if other or future
8 indebtedness is or may be secured by any such property,
9 this fact shall be clearly set forth in conjunction with
10 the description or identification of the type of security
11 interest held, retained or acquired;

12 (12) a description of any penalty charge that may be
13 imposed by the lender for prepayment of the principal of
14 the obligation with an explanation of the method of
15 computation of such penalty and the conditions under which
16 it may be imposed;

17 (13) unless the contract provides for the accrual and
18 payment of the finance charge on the balance of the amount
19 financed from time to time remaining unpaid, an
20 identification of the method of computing any unearned
21 portion of the finance charge in the event of prepayment of
22 the loan.

23 The terms "finance charge" and "annual percentage rate"
24 shall be printed more conspicuously than other terminology
25 required by this Section.

26 (g) At the time disclosures are made, the lender shall

1 deliver to the obligor a duplicate of the instrument or
2 statement by which the required disclosures are made and on
3 which the lender and obligor are identified and their addresses
4 stated. All of the disclosures shall be made clearly,
5 conspicuously and in meaningful sequence and made together on
6 either:

7 (i) the note or other instrument evidencing the
8 obligation on the same side of the page and above or
9 adjacent to the place for the obligor's signature; however,
10 where a creditor elects to combine disclosures with the
11 contract, security agreement, and evidence of a
12 transaction in a single document, the disclosures required
13 under this Section shall be made on the face of the
14 document, on the reverse side, or on both sides, provided
15 that the amount of the finance charge and the annual
16 percentage rate shall appear on the face of the document,
17 and, if the reverse side is used, the printing on both
18 sides of the document shall be equally clear and
19 conspicuous, both sides shall contain the statement,
20 "NOTICE: See other side for important information", and the
21 place for the customer's signature shall be provided
22 following the full content of the document; or

23 (ii) one side of a separate statement which identifies
24 the transaction.

25 The amount of the finance charge shall be determined as the
26 sum of all charges, payable directly or indirectly by the

1 obligor and imposed directly or indirectly by the lender as an
2 incident to or as a condition to the extension of credit,
3 whether paid or payable by the obligor, any other person on
4 behalf of the obligor, to the lender or to a third party,
5 including any of the following types of charges:

6 (1) Interest, time price differential, and any amount
7 payable under a discount or other system of additional
8 charges.

9 (2) Service, transaction, activity, or carrying
10 charge.

11 (3) Loan fee, points, finder's fee, or similar charge.

12 (4) Fee for an appraisal, investigation, or credit
13 report.

14 (5) Charges or premiums for credit life, accident,
15 health, or loss of income insurance, written in connection
16 with any credit transaction unless (a) the insurance
17 coverage is not required by the lender and this fact is
18 clearly and conspicuously disclosed in writing to the
19 obligor; and (b) any obligor desiring such insurance
20 coverage gives specific dated and separately signed
21 affirmative written indication of such desire after
22 receiving written disclosure to him of the cost of such
23 insurance.

24 (6) Charges or premiums for insurance, written in
25 connection with any credit transaction, against loss of or
26 damage to property or against liability arising out of the

1 ownership or use of property, unless a clear, conspicuous,
2 and specific statement in writing is furnished by the
3 lender to the obligor setting forth the cost of the
4 insurance if obtained from or through the lender and
5 stating that the obligor may choose the person through
6 which the insurance is to be obtained.

7 (7) Premium or other charges for any other guarantee or
8 insurance protecting the lender against the obligor's
9 default or other credit loss.

10 (8) Any charge imposed by a lender upon another lender
11 for purchasing or accepting an obligation of an obligor if
12 the obligor is required to pay any part of that charge in
13 cash, as an addition to the obligation, or as a deduction
14 from the proceeds of the obligation.

15 A late payment, delinquency, default, reinstatement or
16 other such charge is not a finance charge if imposed for actual
17 unanticipated late payment, delinquency, default or other
18 occurrence.

19 (h) Advertising for loans transacted under this Section may
20 not be false, misleading, or deceptive. That advertising, if it
21 states a rate or amount of interest, must state that rate as an
22 annual percentage rate of interest charged. In addition, if
23 charges other than for interest are made in connection with
24 those loans, those charges must be separately stated. No
25 advertising may indicate or imply that the rates or charges for
26 loans are in any way "recommended", "approved", "set" or

1 "established" by the State government or by this Act.

2 (i) A lender or creditor who complies with the federal
3 Truth in Lending Act, amendments thereto, and any regulations
4 issued or which may be issued thereunder, shall be deemed to be
5 in compliance with the provisions of subsections (f), (g) and
6 (h) of this Section.

7 (Source: P.A. 92-483, eff. 8-23-01.)

8 (815 ILCS 205/6) (from Ch. 17, par. 6413)

9 Sec. 6. If any person or corporation knowingly contracts
10 for or receives, directly or indirectly, by any device,
11 subterfuge or other means, unlawful interest, discount or
12 charges for or in connection with any loan of money, the
13 obligor may, recover by means of an action or defense an amount
14 equal to twice the total of all interest, discount and charges
15 determined by the loan contract or paid by the obligor,
16 whichever is greater, plus such reasonable attorney's fees and
17 court costs as may be assessed by a court against the lender.
18 The payments due and to become due including all interest,
19 discount and charges included therein under the terms of the
20 loan contract, shall be reduced by the amount which the obligor
21 is thus entitled to recover. Recovery by means of a defense may
22 be had at any time after the loan is transacted. Recovery by
23 means of an action may be had at any time after the loan is
24 transacted and prior to the expiration of 2 years after the
25 earlier of (1) the date of the last scheduled payment of the

1 loan after giving effect to all renewals or extensions thereof,
2 if any, or (2) the date on which the total amount due under the
3 terms of the loan contract is fully paid. A bona fide error in
4 connection with a loan shall not be a violation under this
5 section if the lender corrects the error within a reasonable
6 time.

7 No person shall be liable under this Act for any act done
8 or omitted in good faith in conformity with any rule,
9 regulation, interpretation, or opinion issued by the Secretary
10 of Financial and Professional Regulation or the Department of
11 Financial and Professional Regulation or their respective
12 predecessors, the Commissioner of Banks and Real Estate or the
13 Department of Financial Institutions, or any other department
14 or agency of the State, notwithstanding that after such act or
15 omission has occurred, such rule, regulation, interpretation,
16 or opinion is amended, rescinded, or determined by judicial or
17 other authority to be invalid for any reason.

18 (Source: P.A. 90-161, eff. 7-23-97.)

19 (815 ILCS 205/11) (from Ch. 17, par. 6419)

20 Sec. 11. Whenever the Department of Financial and
21 Professional Regulation ~~Institutions~~ has reason to believe
22 that any person or corporation engaged in the business of
23 lending money is contracting for, receiving, or collecting
24 unlawful interest for any loan not exceeding \$5,000 (in
25 violation of this Act, or the Consumer Finance Act, or the

1 Consumer Installment Loan Act, or any other Act regulating
2 interest for loans of money), it may after notice and hearing
3 enter an order requiring such person or corporation to cease
4 and desist from contracting for, receiving, and collecting
5 unlawful interest. At least 5 days' notice shall be given
6 setting forth the time and place of the hearing and the nature
7 of the violations charged (including the means by which said
8 Department alleges that unlawful interest has been contracted
9 for, received, or collected). The order shall specify in
10 writing the violations found and shall become effective not
11 less than 5 days after delivery thereof to the person or
12 corporation named in the order. If the person or corporation
13 named in said order continues said violation for more than 15
14 days after receiving a certified copy thereof by registered or
15 certified mail, the Department of Financial and Professional
16 Regulation ~~Institutions~~ may bring an action in the circuit
17 court to enjoin such person or corporation from engaging in or
18 continuing such violation. Such action shall be conducted under
19 the direction and supervision of the Attorney General. The
20 practice and the powers of the court in such proceedings shall
21 be as in other such civil proceedings.

22 (Source: P.A. 79-1362.)

23 Section 9915. The Motor Vehicle Retail Installment Sales
24 Act is amended by changing Sections 8 and 9.01 as follows:

1 (815 ILCS 375/8) (from Ch. 121 1/2, par. 568)

2 Sec. 8. (a) A seller under a retail installment contract
3 may require insurance against substantial risk of loss of or
4 damage to the motor vehicle, protecting the seller or holder as
5 well as the buyer, and may, if the buyer elects, include
6 therefor in the contract an amount not exceeding the premiums
7 chargeable for such insurance in accordance with rate filings
8 made with the Secretary of Financial and Professional
9 Regulation ~~Director of Insurance~~. No seller or holder may
10 require as a condition precedent to, or as a part of, a retail
11 installment transaction that such insurance be purchased from
12 or through the seller or holder, or any employee, affiliate, or
13 associate of seller or holder. A seller under a retail
14 installment contract may not require other insurance; but if
15 the buyer voluntarily contracts therefor, the seller may then
16 include in the contract an amount for that other insurance not
17 exceeding the premiums paid or payable by the seller or holder.
18 In those transactions where the buyer elects to select the
19 insurance company, broker or agent for the purpose of obtaining
20 insurance required by the holder under this Section, the buyer
21 must, on or before the date when buyer takes possession of the
22 motor vehicle, furnish the holder with satisfactory evidence of
23 insurance in a company acceptable to the seller or holder.

24 (b) If the obligor fails to furnish evidence that he has
25 procured insurance on the property, the licensee may purchase
26 substitute insurance that may be substantially equivalent to or

1 more limited than coverage the obligor is required to maintain.
2 Such insurance must comply with the Collateral Protection Act.
3 (Source: P.A. 90-437, eff. 1-1-98.)

4 (815 ILCS 375/9.01) (from Ch. 121 1/2, par. 569.01)

5 Sec. 9.01. Credit life insurance and credit accident and
6 health insurance issued in connection with a retail installment
7 contract or retail charge agreement and any charge therefor
8 made to the buyer, must comply with Article IX 1/2 of the
9 "Illinois Insurance Code", approved June 29, 1937, as now or
10 hereafter amended, and all lawful requirements of the Secretary
11 of Financial and Professional Regulation ~~Director of Insurance~~
12 related thereto.

13 (Source: Laws 1967, p. 2163.)

14 Section 9920. The Ophthalmic Advertising Act is amended by
15 changing Section 8 as follows:

16 (815 ILCS 385/8) (from Ch. 121 1/2, par. 349.8)

17 Sec. 8. Enforcement. The duty to institute actions for
18 violations of this Act, including proceedings to restrain and
19 enjoin such violations, is hereby vested in the Attorney
20 General. The Attorney General may prosecute business offenses
21 or institute proceedings or both, but the power to refuse,
22 suspend or revoke a license for a violation of this Act is
23 vested solely in the Department of Financial and Professional

1 Regulation.

2 This Section shall not be deemed to prohibit the
3 enforcement by any person of any right provided by this or any
4 other law.

5 (Source: P.A. 85-1209.)

6 Section 9925. The Retail Installment Sales Act is amended
7 by changing Sections 4, 8, and 10 as follows:

8 (815 ILCS 405/4) (from Ch. 121 1/2, par. 504)

9 Sec. 4. Every retail installment contract must contain the
10 names of the seller and of the buyer, the place of business of
11 the seller, the residence of the buyer as specified by the
12 buyer, and a description or identification of the goods sold or
13 to be sold or services furnished or rendered or to be furnished
14 or rendered. The contract must clearly state and describe any
15 security taken or retained by the seller. No charge may be made
16 to a buyer under an installment contract or charge agreement
17 for insurance against loss or damage to the goods, for
18 insurance against liability for personal injury or property
19 damage caused to others by reason of ownership or operation of
20 the goods, for credit life insurance, for credit health and
21 accident insurance or for any other kind of insurance, unless
22 the installment contract or charge agreement separately
23 specifies for each kind of insurance the type of coverage, the
24 term of coverage and the separate, identified charge made

1 therefor. However, a single charge may be made for credit life,
2 credit health and accident insurance whose issuance in a single
3 form or package has been authorized by the Secretary of
4 Financial and Professional Regulation ~~Director of Insurance~~
5 and whose charges for its various parts can not be separately
6 stated, and, in the case of contracts or charge agreements
7 negotiated and entered into by mail or telephone, in which the
8 kind of insurance, type of coverage, the term of coverage and
9 the charge to be made therefor is clearly set forth in a
10 catalog or other printed solicitation of the seller, disclosure
11 shall be made in the manner required by Section 24 or Section
12 25 of this Act, whichever one is applicable.

13 (Source: Laws 1967, p. 2149.)

14 (815 ILCS 405/8) (from Ch. 121 1/2, par. 508)

15 Sec. 8. (a) A seller under a retail installment contract or
16 retail charge agreement may require insurance against
17 substantial risk of loss of or damage to the goods protecting
18 the seller or holder, as well as the buyer, and may, if the
19 buyer elects, include therefor in the contract an amount not
20 exceeding the premiums chargeable for similar insurance in
21 accordance with rate filings made with the Secretary of
22 Financial and Professional Regulation ~~Director of Insurance~~.
23 No seller or holder may require, as a condition precedent to or
24 as a part of a retail installment transaction, that such
25 insurance be purchased from or through the seller or holder, or

1 any employee, affiliate, or associate of seller or holder. A
2 seller under a retail installment contract may not require
3 other insurance; but if the buyer voluntarily contracts
4 therefor, the seller may then include in the contract an amount
5 for that other insurance not exceeding the premiums paid or
6 payable by the seller or holder. In those transactions where
7 the buyer elects to select the insurance company, broker or
8 agent for the purpose of obtaining insurance required by the
9 holder under this Section, the buyer must furnish the holder
10 with satisfactory evidence of insurance on or before the date
11 when the buyer takes possession of the goods.

12 (b) If the obligor fails to furnish evidence that he has
13 procured insurance on the property, the licensee may purchase
14 substitute insurance that may be substantially equivalent to or
15 more limited than coverage the obligor is required to maintain.
16 Such insurance must comply with the Collateral Protection Act.
17 (Source: P.A. 90-437, eff. 1-1-98.)

18 (815 ILCS 405/10) (from Ch. 121 1/2, par. 510)

19 Sec. 10. Credit life insurance and credit accident and
20 health insurance issued in connection with a retail installment
21 contract or retail charge agreement and any charge therefor
22 made to the buyer, must comply with Article IX 1/2 of the
23 "Illinois Insurance Code," approved June 29, 1937, as now or
24 hereafter amended, and all lawful requirements of the Secretary
25 of Financial and Professional Regulation ~~Director of Insurance~~

1 related thereto.

2 (Source: Laws 1967, p. 2149.)

3 Section 9930. The Workers' Compensation Act is amended by
4 changing Sections 4 and 7 as follows:

5 (820 ILCS 305/4) (from Ch. 48, par. 138.4)

6 Sec. 4.

7 (a) Any employer, including but not limited to general
8 contractors and their subcontractors, who shall come within the
9 provisions of Section 3 of this Act, and any other employer who
10 shall elect to provide and pay the compensation provided for in
11 this Act shall:

12 (1) File with the Commission annually an application
13 for approval as a self-insurer which shall include a
14 current financial statement, and annually, thereafter, an
15 application for renewal of self-insurance, which shall
16 include a current financial statement. Said application
17 and financial statement shall be signed and sworn to by the
18 president or vice president and secretary or assistant
19 secretary of the employer if it be a corporation, or by all
20 of the partners, if it be a copartnership, or by the owner
21 if it be neither a copartnership nor a corporation. All
22 initial applications and all applications for renewal of
23 self-insurance must be submitted at least 60 days prior to
24 the requested effective date of self-insurance. An

1 employer may elect to provide and pay compensation as
2 provided for in this Act as a member of a group workers'
3 compensation pool under Article V 3/4 of the Illinois
4 Insurance Code. If an employer becomes a member of a group
5 workers' compensation pool, the employer shall not be
6 relieved of any obligations imposed by this Act.

7 If the sworn application and financial statement of any
8 such employer does not satisfy the Commission of the
9 financial ability of the employer who has filed it, the
10 Commission shall require such employer to,

11 (2) Furnish security, indemnity or a bond guaranteeing
12 the payment by the employer of the compensation provided
13 for in this Act, provided that any such employer whose
14 application and financial statement shall not have
15 satisfied the commission of his or her financial ability
16 and who shall have secured his liability in part by excess
17 liability insurance shall be required to furnish to the
18 Commission security, indemnity or bond guaranteeing his or
19 her payment up to the effective limits of the excess
20 coverage, or

21 (3) Insure his entire liability to pay such
22 compensation in some insurance carrier authorized,
23 licensed, or permitted to do such insurance business in
24 this State. Every policy of an insurance carrier, insuring
25 the payment of compensation under this Act shall cover all
26 the employees and the entire compensation liability of the

1 insured: Provided, however, that any employer may insure
2 his or her compensation liability with 2 or more insurance
3 carriers or may insure a part and qualify under subsection
4 1, 2, or 4 for the remainder of his or her liability to pay
5 such compensation, subject to the following two
6 provisions:

7 Firstly, the entire compensation liability of the
8 employer to employees working at or from one location
9 shall be insured in one such insurance carrier or shall
10 be self-insured, and

11 Secondly, the employer shall submit evidence
12 satisfactorily to the Commission that his or her entire
13 liability for the compensation provided for in this Act
14 will be secured. Any provisions in any policy, or in
15 any endorsement attached thereto, attempting to limit
16 or modify in any way, the liability of the insurance
17 carriers issuing the same except as otherwise provided
18 herein shall be wholly void.

19 Nothing herein contained shall apply to policies of
20 excess liability carriage secured by employers who have
21 been approved by the Commission as self-insurers, or

22 (4) Make some other provision, satisfactory to the
23 Commission, for the securing of the payment of compensation
24 provided for in this Act, and

25 (5) Upon becoming subject to this Act and thereafter as
26 often as the Commission may in writing demand, file with

1 the Commission in form prescribed by it evidence of his or
2 her compliance with the provision of this Section.

3 (a-1) Regardless of its state of domicile or its principal
4 place of business, an employer shall make payments to its
5 insurance carrier or group self-insurance fund, where
6 applicable, based upon the premium rates of the situs where the
7 work or project is located in Illinois if:

8 (A) the employer is engaged primarily in the building
9 and construction industry; and

10 (B) subdivision (a)(3) of this Section applies to the
11 employer or the employer is a member of a group
12 self-insurance plan as defined in subsection (1) of Section
13 4a.

14 The Illinois Workers' Compensation Commission shall impose
15 a penalty upon an employer for violation of this subsection
16 (a-1) if:

17 (i) the employer is given an opportunity at a hearing
18 to present evidence of its compliance with this subsection
19 (a-1); and

20 (ii) after the hearing, the Commission finds that the
21 employer failed to make payments upon the premium rates of
22 the situs where the work or project is located in Illinois.

23 The penalty shall not exceed \$1,000 for each day of work
24 for which the employer failed to make payments upon the premium
25 rates of the situs where the work or project is located in
26 Illinois, but the total penalty shall not exceed \$50,000 for

1 each project or each contract under which the work was
2 performed.

3 Any penalty under this subsection (a-1) must be imposed not
4 later than one year after the expiration of the applicable
5 limitation period specified in subsection (d) of Section 6 of
6 this Act. Penalties imposed under this subsection (a-1) shall
7 be deposited into the Illinois Workers' Compensation
8 Commission Operations Fund, a special fund that is created in
9 the State treasury. Subject to appropriation, moneys in the
10 Fund shall be used solely for the operations of the Illinois
11 Workers' Compensation Commission and by the Department of
12 Financial and Professional Regulation for the purposes
13 authorized in subsection (c) of Section 25.5 of this Act.

14 (b) The sworn application and financial statement, or
15 security, indemnity or bond, or amount of insurance, or other
16 provisions, filed, furnished, carried, or made by the employer,
17 as the case may be, shall be subject to the approval of the
18 Commission.

19 Deposits under escrow agreements shall be cash, negotiable
20 United States government bonds or negotiable general
21 obligation bonds of the State of Illinois. Such cash or bonds
22 shall be deposited in escrow with any State or National Bank or
23 Trust Company having trust authority in the State of Illinois.

24 Upon the approval of the sworn application and financial
25 statement, security, indemnity or bond or amount of insurance,
26 filed, furnished or carried, as the case may be, the Commission

1 shall send to the employer written notice of its approval
2 thereof. The certificate of compliance by the employer with the
3 provisions of subparagraphs (2) and (3) of paragraph (a) of
4 this Section shall be delivered by the insurance carrier to the
5 Illinois Workers' Compensation Commission within five days
6 after the effective date of the policy so certified. The
7 insurance so certified shall cover all compensation liability
8 occurring during the time that the insurance is in effect and
9 no further certificate need be filed in case such insurance is
10 renewed, extended or otherwise continued by such carrier. The
11 insurance so certified shall not be cancelled or in the event
12 that such insurance is not renewed, extended or otherwise
13 continued, such insurance shall not be terminated until at
14 least 10 days after receipt by the Illinois Workers'
15 Compensation Commission of notice of the cancellation or
16 termination of said insurance; provided, however, that if the
17 employer has secured insurance from another insurance carrier,
18 or has otherwise secured the payment of compensation in
19 accordance with this Section, and such insurance or other
20 security becomes effective prior to the expiration of the 10
21 days, cancellation or termination may, at the option of the
22 insurance carrier indicated in such notice, be effective as of
23 the effective date of such other insurance or security.

24 (c) Whenever the Commission shall find that any
25 corporation, company, association, aggregation of individuals,
26 reciprocal or interinsurers exchange, or other insurer

1 effecting workers' compensation insurance in this State shall
2 be insolvent, financially unsound, or unable to fully meet all
3 payments and liabilities assumed or to be assumed for
4 compensation insurance in this State, or shall practice a
5 policy of delay or unfairness toward employees in the
6 adjustment, settlement, or payment of benefits due such
7 employees, the Commission may after reasonable notice and
8 hearing order and direct that such corporation, company,
9 association, aggregation of individuals, reciprocal or
10 interinsurers exchange, or insurer, shall from and after a date
11 fixed in such order discontinue the writing of any such
12 workers' compensation insurance in this State. Subject to such
13 modification of the order as the Commission may later make on
14 review of the order, as herein provided, it shall thereupon be
15 unlawful for any such corporation, company, association,
16 aggregation of individuals, reciprocal or interinsurers
17 exchange, or insurer to effect any workers' compensation
18 insurance in this State. A copy of the order shall be served
19 upon the Secretary of Financial and Professional Regulation
20 ~~Director of Insurance~~ by registered mail. Whenever the
21 Commission finds that any service or adjustment company used or
22 employed by a self-insured employer or by an insurance carrier
23 to process, adjust, investigate, compromise or otherwise
24 handle claims under this Act, has practiced or is practicing a
25 policy of delay or unfairness toward employees in the
26 adjustment, settlement or payment of benefits due such

1 employees, the Commission may after reasonable notice and
2 hearing order and direct that such service or adjustment
3 company shall from and after a date fixed in such order be
4 prohibited from processing, adjusting, investigating,
5 compromising or otherwise handling claims under this Act.

6 Whenever the Commission finds that any self-insured
7 employer has practiced or is practicing delay or unfairness
8 toward employees in the adjustment, settlement or payment of
9 benefits due such employees, the Commission may, after
10 reasonable notice and hearing, order and direct that after a
11 date fixed in the order such self-insured employer shall be
12 disqualified to operate as a self-insurer and shall be required
13 to insure his entire liability to pay compensation in some
14 insurance carrier authorized, licensed and permitted to do such
15 insurance business in this State, as provided in subparagraph 3
16 of paragraph (a) of this Section.

17 All orders made by the Commission under this Section shall
18 be subject to review by the courts, said review to be taken in
19 the same manner and within the same time as provided by Section
20 19 of this Act for review of awards and decisions of the
21 Commission, upon the party seeking the review filing with the
22 clerk of the court to which said review is taken a bond in an
23 amount to be fixed and approved by the court to which the
24 review is taken, conditioned upon the payment of all
25 compensation awarded against the person taking said review
26 pending a decision thereof and further conditioned upon such

1 other obligations as the court may impose. Upon the review the
2 Circuit Court shall have power to review all questions of fact
3 as well as of law. The penalty hereinafter provided for in this
4 paragraph shall not attach and shall not begin to run until the
5 final determination of the order of the Commission.

6 (d) Whenever a panel of 3 Commissioners comprised of one
7 member of the employing class, one member of the employee
8 class, and one member not identified with either the employing
9 or employee class, with due process and after a hearing,
10 determines an employer has knowingly failed to provide coverage
11 as required by paragraph (a) of this Section, the failure shall
12 be deemed an immediate serious danger to public health, safety,
13 and welfare sufficient to justify service by the Commission of
14 a work-stop order on such employer, requiring the cessation of
15 all business operations of such employer at the place of
16 employment or job site. Any law enforcement agency in the State
17 shall, at the request of the Commission, render any assistance
18 necessary to carry out the provisions of this Section,
19 including, but not limited to, preventing any employee of such
20 employer from remaining at a place of employment or job site
21 after a work-stop order has taken effect. Any work-stop order
22 shall be lifted upon proof of insurance as required by this
23 Act. Any orders under this Section are appealable under Section
24 19(f) to the Circuit Court.

25 Any individual employer, corporate officer or director of a
26 corporate employer, partner of an employer partnership, or

1 member of an employer limited liability company who knowingly
2 fails to provide coverage as required by paragraph (a) of this
3 Section is guilty of a Class 4 felony. This provision shall not
4 apply to any corporate officer or director of any
5 publicly-owned corporation. Each day's violation constitutes a
6 separate offense. The State's Attorney of the county in which
7 the violation occurred, or the Attorney General, shall bring
8 such actions in the name of the People of the State of
9 Illinois, or may, in addition to other remedies provided in
10 this Section, bring an action for an injunction to restrain the
11 violation or to enjoin the operation of any such employer.

12 Any individual employer, corporate officer or director of a
13 corporate employer, partner of an employer partnership, or
14 member of an employer limited liability company who negligently
15 fails to provide coverage as required by paragraph (a) of this
16 Section is guilty of a Class A misdemeanor. This provision
17 shall not apply to any corporate officer or director of any
18 publicly-owned corporation. Each day's violation constitutes a
19 separate offense. The State's Attorney of the county in which
20 the violation occurred, or the Attorney General, shall bring
21 such actions in the name of the People of the State of
22 Illinois.

23 The criminal penalties in this subsection (d) shall not
24 apply where there exists a good faith dispute as to the
25 existence of an employment relationship. Evidence of good faith
26 shall include, but not be limited to, compliance with the

1 definition of employee as used by the Internal Revenue Service.

2 Employers who are subject to and who knowingly fail to
3 comply with this Section shall not be entitled to the benefits
4 of this Act during the period of noncompliance, but shall be
5 liable in an action under any other applicable law of this
6 State. In the action, such employer shall not avail himself or
7 herself of the defenses of assumption of risk or negligence or
8 that the injury was due to a co-employee. In the action, proof
9 of the injury shall constitute prima facie evidence of
10 negligence on the part of such employer and the burden shall be
11 on such employer to show freedom of negligence resulting in the
12 injury. The employer shall not join any other defendant in any
13 such civil action. Nothing in this amendatory Act of the 94th
14 General Assembly shall affect the employee's rights under
15 subdivision (a)3 of Section 1 of this Act. Any employer or
16 carrier who makes payments under subdivision (a)3 of Section 1
17 of this Act shall have a right of reimbursement from the
18 proceeds of any recovery under this Section.

19 An employee of an uninsured employer, or the employee's
20 dependents in case death ensued, may, instead of proceeding
21 against the employer in a civil action in court, file an
22 application for adjustment of claim with the Commission in
23 accordance with the provisions of this Act and the Commission
24 shall hear and determine the application for adjustment of
25 claim in the manner in which other claims are heard and
26 determined before the Commission.

1 All proceedings under this subsection (d) shall be reported
2 on an annual basis to the Workers' Compensation Advisory Board.

3 Upon a finding by the Commission, after reasonable notice
4 and hearing, of the knowing and wilful failure or refusal of an
5 employer to comply with any of the provisions of paragraph (a)
6 of this Section or the failure or refusal of an employer,
7 service or adjustment company, or an insurance carrier to
8 comply with any order of the Illinois Workers' Compensation
9 Commission pursuant to paragraph (c) of this Section
10 disqualifying him or her to operate as a self insurer and
11 requiring him or her to insure his or her liability, the
12 Commission may assess a civil penalty of up to \$500 per day for
13 each day of such failure or refusal after the effective date of
14 this amendatory Act of 1989. The minimum penalty under this
15 Section shall be the sum of \$10,000. Each day of such failure
16 or refusal shall constitute a separate offense. The Commission
17 may assess the civil penalty personally and individually
18 against the corporate officers and directors of a corporate
19 employer, the partners of an employer partnership, and the
20 members of an employer limited liability company, after a
21 finding of a knowing and willful refusal or failure of each
22 such named corporate officer, director, partner, or member to
23 comply with this Section. The liability for the assessed
24 penalty shall be against the named employer first, and if the
25 named employer fails or refuses to pay the penalty to the
26 Commission within 30 days after the final order of the

1 Commission, then the named corporate officers, directors,
2 partners, or members who have been found to have knowingly and
3 willfully refused or failed to comply with this Section shall
4 be liable for the unpaid penalty or any unpaid portion of the
5 penalty. Upon investigation by the insurance non-compliance
6 unit of the Commission, the Attorney General shall have the
7 authority to prosecute all proceedings to enforce the civil and
8 administrative provisions of this Section before the
9 Commission. The Commission shall promulgate procedural rules
10 for enforcing this Section.

11 Upon the failure or refusal of any employer, service or
12 adjustment company or insurance carrier to comply with the
13 provisions of this Section and with the orders of the
14 Commission under this Section, or the order of the court on
15 review after final adjudication, the Commission may bring a
16 civil action to recover the amount of the penalty in Cook
17 County or in Sangamon County in which litigation the Commission
18 shall be represented by the Attorney General. The Commission
19 shall send notice of its finding of non-compliance and
20 assessment of the civil penalty to the Attorney General. It
21 shall be the duty of the Attorney General within 30 days after
22 receipt of the notice, to institute prosecutions and promptly
23 prosecute all reported violations of this Section.

24 Any individual employer, corporate officer or director of a
25 corporate employer, partner of an employer partnership, or
26 member of an employer limited liability company who, with the

1 intent to avoid payment of compensation under this Act to an
2 injured employee or the employee's dependents, knowingly
3 transfers, sells, encumbers, assigns, or in any manner disposes
4 of, conceals, secretes, or destroys any property belonging to
5 the employer, officer, director, partner, or member is guilty
6 of a Class 4 felony.

7 Penalties and fines collected pursuant to this paragraph
8 (d) shall be deposited upon receipt into a special fund which
9 shall be designated the Injured Workers' Benefit Fund, of which
10 the State Treasurer is ex-officio custodian, such special fund
11 to be held and disbursed in accordance with this paragraph (d)
12 for the purposes hereinafter stated in this paragraph (d), upon
13 the final order of the Commission. The Injured Workers' Benefit
14 Fund shall be deposited the same as are State funds and any
15 interest accruing thereon shall be added thereto every 6
16 months. The Injured Workers' Benefit Fund is subject to audit
17 the same as State funds and accounts and is protected by the
18 general bond given by the State Treasurer. The Injured Workers'
19 Benefit Fund is considered always appropriated for the purposes
20 of disbursements as provided in this paragraph, and shall be
21 paid out and disbursed as herein provided and shall not at any
22 time be appropriated or diverted to any other use or purpose.
23 Moneys in the Injured Workers' Benefit Fund shall be used only
24 for payment of workers' compensation benefits for injured
25 employees when the employer has failed to provide coverage as
26 determined under this paragraph (d) and has failed to pay the

1 benefits due to the injured employee. The Commission shall have
2 the right to obtain reimbursement from the employer for
3 compensation obligations paid by the Injured Workers' Benefit
4 Fund. Any such amounts obtained shall be deposited by the
5 Commission into the Injured Workers' Benefit Fund. If an
6 injured employee or his or her personal representative receives
7 payment from the Injured Workers' Benefit Fund, the State of
8 Illinois has the same rights under paragraph (b) of Section 5
9 that the employer who failed to pay the benefits due to the
10 injured employee would have had if the employer had paid those
11 benefits, and any moneys recovered by the State as a result of
12 the State's exercise of its rights under paragraph (b) of
13 Section 5 shall be deposited into the Injured Workers' Benefit
14 Fund. The custodian of the Injured Workers' Benefit Fund shall
15 be joined with the employer as a party respondent in the
16 application for adjustment of claim. After July 1, 2006, the
17 Commission shall make disbursements from the Fund once each
18 year to each eligible claimant. An eligible claimant is an
19 injured worker who has within the previous fiscal year obtained
20 a final award for benefits from the Commission against the
21 employer and the Injured Workers' Benefit Fund and has notified
22 the Commission within 90 days of receipt of such award. Within
23 a reasonable time after the end of each fiscal year, the
24 Commission shall make a disbursement to each eligible claimant.
25 At the time of disbursement, if there are insufficient moneys
26 in the Fund to pay all claims, each eligible claimant shall

1 receive a pro-rata share, as determined by the Commission, of
2 the available moneys in the Fund for that year. Payment from
3 the Injured Workers' Benefit Fund to an eligible claimant
4 pursuant to this provision shall discharge the obligations of
5 the Injured Workers' Benefit Fund regarding the award entered
6 by the Commission.

7 (e) This Act shall not affect or disturb the continuance of
8 any existing insurance, mutual aid, benefit, or relief
9 association or department, whether maintained in whole or in
10 part by the employer or whether maintained by the employees,
11 the payment of benefits of such association or department being
12 guaranteed by the employer or by some person, firm or
13 corporation for him or her: Provided, the employer contributes
14 to such association or department an amount not less than the
15 full compensation herein provided, exclusive of the cost of the
16 maintenance of such association or department and without any
17 expense to the employee. This Act shall not prevent the
18 organization and maintaining under the insurance laws of this
19 State of any benefit or insurance company for the purpose of
20 insuring against the compensation provided for in this Act, the
21 expense of which is maintained by the employer. This Act shall
22 not prevent the organization or maintaining under the insurance
23 laws of this State of any voluntary mutual aid, benefit or
24 relief association among employees for the payment of
25 additional accident or sick benefits.

26 (f) No existing insurance, mutual aid, benefit or relief

1 association or department shall, by reason of anything herein
2 contained, be authorized to discontinue its operation without
3 first discharging its obligations to any and all persons
4 carrying insurance in the same or entitled to relief or
5 benefits therein.

6 (g) Any contract, oral, written or implied, of employment
7 providing for relief benefit, or insurance or any other device
8 whereby the employee is required to pay any premium or premiums
9 for insurance against the compensation provided for in this Act
10 shall be null and void. Any employer withholding from the wages
11 of any employee any amount for the purpose of paying any such
12 premium shall be guilty of a Class B misdemeanor.

13 In the event the employer does not pay the compensation for
14 which he or she is liable, then an insurance company,
15 association or insurer which may have insured such employer
16 against such liability shall become primarily liable to pay to
17 the employee, his or her personal representative or beneficiary
18 the compensation required by the provisions of this Act to be
19 paid by such employer. The insurance carrier may be made a
20 party to the proceedings in which the employer is a party and
21 an award may be entered jointly against the employer and the
22 insurance carrier.

23 (h) It shall be unlawful for any employer, insurance
24 company or service or adjustment company to interfere with,
25 restrain or coerce an employee in any manner whatsoever in the
26 exercise of the rights or remedies granted to him or her by

1 this Act or to discriminate, attempt to discriminate, or
2 threaten to discriminate against an employee in any way because
3 of his or her exercise of the rights or remedies granted to him
4 or her by this Act.

5 It shall be unlawful for any employer, individually or
6 through any insurance company or service or adjustment company,
7 to discharge or to threaten to discharge, or to refuse to
8 rehire or recall to active service in a suitable capacity an
9 employee because of the exercise of his or her rights or
10 remedies granted to him or her by this Act.

11 (i) If an employer elects to obtain a life insurance policy
12 on his employees, he may also elect to apply such benefits in
13 satisfaction of all or a portion of the death benefits payable
14 under this Act, in which case, the employer's compensation
15 premium shall be reduced accordingly.

16 (j) Within 45 days of receipt of an initial application or
17 application to renew self-insurance privileges the
18 Self-Insurers Advisory Board shall review and submit for
19 approval by the Chairman of the Commission recommendations of
20 disposition of all initial applications to self-insure and all
21 applications to renew self-insurance privileges filed by
22 private self-insurers pursuant to the provisions of this
23 Section and Section 4a-9 of this Act. Each private self-insurer
24 shall submit with its initial and renewal applications the
25 application fee required by Section 4a-4 of this Act.

26 The Chairman of the Commission shall promptly act upon all

1 initial applications and applications for renewal in full
2 accordance with the recommendations of the Board or, should the
3 Chairman disagree with any recommendation of disposition of the
4 Self-Insurer's Advisory Board, he shall within 30 days of
5 receipt of such recommendation provide to the Board in writing
6 the reasons supporting his decision. The Chairman shall also
7 promptly notify the employer of his decision within 15 days of
8 receipt of the recommendation of the Board.

9 If an employer is denied a renewal of self-insurance
10 privileges pursuant to application it shall retain said
11 privilege for 120 days after receipt of a notice of
12 cancellation of the privilege from the Chairman of the
13 Commission.

14 All orders made by the Chairman under this Section shall be
15 subject to review by the courts, such review to be taken in the
16 same manner and within the same time as provided by subsection
17 (f) of Section 19 of this Act for review of awards and
18 decisions of the Commission, upon the party seeking the review
19 filing with the clerk of the court to which such review is
20 taken a bond in an amount to be fixed and approved by the court
21 to which the review is taken, conditioned upon the payment of
22 all compensation awarded against the person taking such review
23 pending a decision thereof and further conditioned upon such
24 other obligations as the court may impose. Upon the review the
25 Circuit Court shall have power to review all questions of fact
26 as well as of law.

1 (Source: P.A. 93-721, eff. 1-1-05; 94-277, eff. 7-20-05;
2 94-839, eff. 6-6-06.)

3 (820 ILCS 305/7) (from Ch. 48, par. 138.7)

4 Sec. 7. The amount of compensation which shall be paid for
5 an accidental injury to the employee resulting in death is:

6 (a) If the employee leaves surviving a widow, widower,
7 child or children, the applicable weekly compensation rate
8 computed in accordance with subparagraph 2 of paragraph (b) of
9 Section 8, shall be payable during the life of the widow or
10 widower and if any surviving child or children shall not be
11 physically or mentally incapacitated then until the death of
12 the widow or widower or until the youngest child shall reach
13 the age of 18, whichever shall come later; provided that if
14 such child or children shall be enrolled as a full time student
15 in any accredited educational institution, the payments shall
16 continue until such child has attained the age of 25. In the
17 event any surviving child or children shall be physically or
18 mentally incapacitated, the payments shall continue for the
19 duration of such incapacity.

20 The term "child" means a child whom the deceased employee
21 left surviving, including a posthumous child, a child legally
22 adopted, a child whom the deceased employee was legally
23 obligated to support or a child to whom the deceased employee
24 stood in loco parentis. The term "children" means the plural of
25 "child".

1 The term "physically or mentally incapacitated child or
2 children" means a child or children incapable of engaging in
3 regular and substantial gainful employment.

4 In the event of the remarriage of a widow or widower, where
5 the decedent did not leave surviving any child or children who,
6 at the time of such remarriage, are entitled to compensation
7 benefits under this Act, the surviving spouse shall be paid a
8 lump sum equal to 2 years compensation benefits and all further
9 rights of such widow or widower shall be extinguished.

10 If the employee leaves surviving any child or children
11 under 18 years of age who at the time of death shall be
12 entitled to compensation under this paragraph (a) of this
13 Section, the weekly compensation payments herein provided for
14 such child or children shall in any event continue for a period
15 of not less than 6 years.

16 Any beneficiary entitled to compensation under this
17 paragraph (a) of this Section shall receive from the special
18 fund provided in paragraph (f) of this Section, in addition to
19 the compensation herein provided, supplemental benefits in
20 accordance with paragraph (g) of Section 8.

21 (b) If no compensation is payable under paragraph (a) of
22 this Section and the employee leaves surviving a parent or
23 parents who at the time of the accident were totally dependent
24 upon the earnings of the employee then weekly payments equal to
25 the compensation rate payable in the case where the employee
26 leaves surviving a widow or widower, shall be paid to such

1 parent or parents for the duration of their lives, and in the
2 event of the death of either, for the life of the survivor.

3 (c) If no compensation is payable under paragraphs (a) or
4 (b) of this Section and the employee leaves surviving any child
5 or children who are not entitled to compensation under the
6 foregoing paragraph (a) but who at the time of the accident
7 were nevertheless in any manner dependent upon the earnings of
8 the employee, or leaves surviving a parent or parents who at
9 the time of the accident were partially dependent upon the
10 earnings of the employee, then there shall be paid to such
11 dependent or dependents for a period of 8 years weekly
12 compensation payments at such proportion of the applicable rate
13 if the employee had left surviving a widow or widower as such
14 dependency bears to total dependency. In the event of the death
15 of any such beneficiary the share of such beneficiary shall be
16 divided equally among the surviving beneficiaries and in the
17 event of the death of the last such beneficiary all the rights
18 under this paragraph shall be extinguished.

19 (d) If no compensation is payable under paragraphs (a), (b)
20 or (c) of this Section and the employee leaves surviving any
21 grandparent, grandparents, grandchild or grandchildren or
22 collateral heirs dependent upon the employee's earnings to the
23 extent of 50% or more of total dependency, then there shall be
24 paid to such dependent or dependents for a period of 5 years
25 weekly compensation payments at such proportion of the
26 applicable rate if the employee had left surviving a widow or

1 widower as such dependency bears to total dependency. In the
2 event of the death of any such beneficiary the share of such
3 beneficiary shall be divided equally among the surviving
4 beneficiaries and in the event of the death of the last such
5 beneficiary all rights hereunder shall be extinguished.

6 (e) The compensation to be paid for accidental injury which
7 results in death, as provided in this Section, shall be paid to
8 the persons who form the basis for determining the amount of
9 compensation to be paid by the employer, the respective shares
10 to be in the proportion of their respective dependency at the
11 time of the accident on the earnings of the deceased. The
12 Commission or an Arbitrator thereof may, in its or his
13 discretion, order or award the payment to the parent or
14 grandparent of a child for the latter's support the amount of
15 compensation which but for such order or award would have been
16 paid to such child as its share of the compensation payable,
17 which order or award may be modified from time to time by the
18 Commission in its discretion with respect to the person to whom
19 shall be paid the amount of the order or award remaining unpaid
20 at the time of the modification.

21 The payments of compensation by the employer in accordance
22 with the order or award of the Commission discharges such
23 employer from all further obligation as to such compensation.

24 (f) The sum of \$8,000 for burial expenses shall be paid by
25 the employer to the widow or widower, other dependent, next of
26 kin or to the person or persons incurring the expense of

1 burial.

2 In the event the employer failed to provide necessary first
3 aid, medical, surgical or hospital service, he shall pay the
4 cost thereof to the person or persons entitled to compensation
5 under paragraphs (a), (b), (c) or (d) of this Section, or to
6 the person or persons incurring the obligation therefore, or
7 providing the same.

8 On January 15 and July 15, 1981, and on January 15 and July
9 15 of each year thereafter the employer shall within 60 days
10 pay a sum equal to 1/8 of 1% of all compensation payments made
11 by him after July 1, 1980, either under this Act or the
12 Workers' Occupational Diseases Act, whether by lump sum
13 settlement or weekly compensation payments, but not including
14 hospital, surgical or rehabilitation payments, made during the
15 first 6 months and during the second 6 months respectively of
16 the fiscal year next preceding the date of the payments, into a
17 special fund which shall be designated the "Second Injury
18 Fund", of which the State Treasurer is ex-officio custodian,
19 such special fund to be held and disbursed for the purposes
20 hereinafter stated in paragraphs (f) and (g) of Section 8,
21 either upon the order of the Commission or of a competent
22 court. Said special fund shall be deposited the same as are
23 State funds and any interest accruing thereon shall be added
24 thereto every 6 months. It is subject to audit the same as
25 State funds and accounts and is protected by the General bond
26 given by the State Treasurer. It is considered always

1 appropriated for the purposes of disbursements as provided in
2 Section 8, paragraph (f), of this Act, and shall be paid out
3 and disbursed as therein provided and shall not at any time be
4 appropriated or diverted to any other use or purpose.

5 On January 15, 1991, the employer shall further pay a sum
6 equal to one half of 1% of all compensation payments made by
7 him from January 1, 1990 through June 30, 1990 either under
8 this Act or under the Workers' Occupational Diseases Act,
9 whether by lump sum settlement or weekly compensation payments,
10 but not including hospital, surgical or rehabilitation
11 payments, into an additional Special Fund which shall be
12 designated as the "Rate Adjustment Fund". On March 15, 1991,
13 the employer shall pay into the Rate Adjustment Fund a sum
14 equal to one half of 1% of all such compensation payments made
15 from July 1, 1990 through December 31, 1990. Within 60 days
16 after July 15, 1991, the employer shall pay into the Rate
17 Adjustment Fund a sum equal to one half of 1% of all such
18 compensation payments made from January 1, 1991 through June
19 30, 1991. Within 60 days after January 15 of 1992 and each
20 subsequent year through 1996, the employer shall pay into the
21 Rate Adjustment Fund a sum equal to one half of 1% of all such
22 compensation payments made in the last 6 months of the
23 preceding calendar year. Within 60 days after July 15 of 1992
24 and each subsequent year through 1995, the employer shall pay
25 into the Rate Adjustment Fund a sum equal to one half of 1% of
26 all such compensation payments made in the first 6 months of

1 the same calendar year. Within 60 days after January 15 of 1997
2 and each subsequent year through 2005, the employer shall pay
3 into the Rate Adjustment Fund a sum equal to three-fourths of
4 1% of all such compensation payments made in the last 6 months
5 of the preceding calendar year. Within 60 days after July 15 of
6 1996 and each subsequent year through 2004, the employer shall
7 pay into the Rate Adjustment Fund a sum equal to three-fourths
8 of 1% of all such compensation payments made in the first 6
9 months of the same calendar year. Within 60 days after July 15
10 of 2005, the employer shall pay into the Rate Adjustment Fund a
11 sum equal to 1% of such compensation payments made in the first
12 6 months of the same calendar year. Within 60 days after
13 January 15 of 2006 and each subsequent year, the employer shall
14 pay into the Rate Adjustment Fund a sum equal to 1.25% of such
15 compensation payments made in the last 6 months of the
16 preceding calendar year. Within 60 days after July 15 of 2006
17 and each subsequent year, the employer shall pay into the Rate
18 Adjustment Fund a sum equal to 1.25% of such compensation
19 payments made in the first 6 months of the same calendar year.
20 The administrative costs of collecting assessments from
21 employers for the Rate Adjustment Fund shall be paid from the
22 Rate Adjustment Fund. The cost of an actuarial audit of the
23 Fund shall be paid from the Rate Adjustment Fund. The State
24 Treasurer is ex officio custodian of such Special Fund and the
25 same shall be held and disbursed for the purposes hereinafter
26 stated in paragraphs (f) and (g) of Section 8 upon the order of

1 the Commission or of a competent court. The Rate Adjustment
2 Fund shall be deposited the same as are State funds and any
3 interest accruing thereon shall be added thereto every 6
4 months. It shall be subject to audit the same as State funds
5 and accounts and shall be protected by the general bond given
6 by the State Treasurer. It is considered always appropriated
7 for the purposes of disbursements as provided in paragraphs (f)
8 and (g) of Section 8 of this Act and shall be paid out and
9 disbursed as therein provided and shall not at any time be
10 appropriated or diverted to any other use or purpose. Within 5
11 days after the effective date of this amendatory Act of 1990,
12 the Comptroller and the State Treasurer shall transfer
13 \$1,000,000 from the General Revenue Fund to the Rate Adjustment
14 Fund. By February 15, 1991, the Comptroller and the State
15 Treasurer shall transfer \$1,000,000 from the Rate Adjustment
16 Fund to the General Revenue Fund. The Comptroller and Treasurer
17 are authorized to make transfers at the request of the Chairman
18 up to a total of \$19,000,000 from the Second Injury Fund, the
19 General Revenue Fund, and the Workers' Compensation Benefit
20 Trust Fund to the Rate Adjustment Fund to the extent that there
21 is insufficient money in the Rate Adjustment Fund to pay claims
22 and obligations. Amounts may be transferred from the General
23 Revenue Fund only if the funds in the Second Injury Fund or the
24 Workers' Compensation Benefit Trust Fund are insufficient to
25 pay claims and obligations of the Rate Adjustment Fund. All
26 amounts transferred from the Second Injury Fund, the General

1 Revenue Fund, and the Workers' Compensation Benefit Trust Fund
2 shall be repaid from the Rate Adjustment Fund within 270 days
3 of a transfer, together with interest at the rate earned by
4 moneys on deposit in the Fund or Funds from which the moneys
5 were transferred.

6 Upon a finding by the Commission, after reasonable notice
7 and hearing, that any employer has willfully and knowingly
8 failed to pay the proper amounts into the Second Injury Fund or
9 the Rate Adjustment Fund required by this Section or if such
10 payments are not made within the time periods prescribed by
11 this Section, the employer shall, in addition to such payments,
12 pay a penalty of 20% of the amount required to be paid or
13 \$2,500, whichever is greater, for each year or part thereof of
14 such failure to pay. This penalty shall only apply to
15 obligations of an employer to the Second Injury Fund or the
16 Rate Adjustment Fund accruing after the effective date of this
17 amendatory Act of 1989. All or part of such a penalty may be
18 waived by the Commission for good cause shown.

19 Any obligations of an employer to the Second Injury Fund
20 and Rate Adjustment Fund accruing prior to the effective date
21 of this amendatory Act of 1989 shall be paid in full by such
22 employer within 5 years of the effective date of this
23 amendatory Act of 1989, with at least one-fifth of such
24 obligation to be paid during each year following the effective
25 date of this amendatory Act of 1989. If the Commission finds,
26 following reasonable notice and hearing, that an employer has

1 failed to make timely payment of any obligation accruing under
2 the preceding sentence, the employer shall, in addition to all
3 other payments required by this Section, be liable for a
4 penalty equal to 20% of the overdue obligation or \$2,500,
5 whichever is greater, for each year or part thereof that
6 obligation is overdue. All or part of such a penalty may be
7 waived by the Commission for good cause shown.

8 The Chairman of the Illinois Workers' Compensation
9 Commission shall, annually, furnish to the Secretary of
10 Financial and Professional Regulation ~~Director of the~~
11 ~~Department of Insurance~~ a list of the amounts paid into the
12 Second Injury Fund and the Rate Adjustment Fund by each
13 insurance company on behalf of their insured employers. The
14 Secretary ~~Director~~ shall verify to the Chairman that the
15 amounts paid by each insurance company are accurate as best as
16 the Secretary ~~Director~~ can determine from the records available
17 to the Secretary ~~Director~~. The Chairman shall verify that the
18 amounts paid by each self-insurer are accurate as best as the
19 Chairman can determine from records available to the Chairman.
20 The Chairman may require each self-insurer to provide
21 information concerning the total compensation payments made
22 upon which contributions to the Second Injury Fund and the Rate
23 Adjustment Fund are predicated and any additional information
24 establishing that such payments have been made into these
25 funds. Any deficiencies in payments noted by the Director or
26 Chairman shall be subject to the penalty provisions of this

1 Act.

2 The State Treasurer, or his duly authorized
3 representative, shall be named as a party to all proceedings in
4 all cases involving claim for the loss of, or the permanent and
5 complete loss of the use of one eye, one foot, one leg, one arm
6 or one hand.

7 The State Treasurer or his duly authorized agent shall have
8 the same rights as any other party to the proceeding, including
9 the right to petition for review of any award. The reasonable
10 expenses of litigation, such as medical examinations,
11 testimony, and transcript of evidence, incurred by the State
12 Treasurer or his duly authorized representative, shall be borne
13 by the Second Injury Fund.

14 If the award is not paid within 30 days after the date the
15 award has become final, the Commission shall proceed to take
16 judgment thereon in its own name as is provided for other
17 awards by paragraph (g) of Section 19 of this Act and take the
18 necessary steps to collect the award.

19 Any person, corporation or organization who has paid or
20 become liable for the payment of burial expenses of the
21 deceased employee may in his or its own name institute
22 proceedings before the Commission for the collection thereof.

23 For the purpose of administration, receipts and
24 disbursements, the Special Fund provided for in paragraph (f)
25 of this Section shall be administered jointly with the Special
26 Fund provided for in Section 7, paragraph (f) of the Workers'

1 Occupational Diseases Act.

2 (g) All compensation, except for burial expenses provided
3 in this Section to be paid in case accident results in death,
4 shall be paid in installments equal to the percentage of the
5 average earnings as provided for in Section 8, paragraph (b) of
6 this Act, at the same intervals at which the wages or earnings
7 of the employees were paid. If this is not feasible, then the
8 installments shall be paid weekly. Such compensation may be
9 paid in a lump sum upon petition as provided in Section 9 of
10 this Act. However, in addition to the benefits provided by
11 Section 9 of this Act where compensation for death is payable
12 to the deceased's widow, widower or to the deceased's widow,
13 widower and one or more children, and where a partial lump sum
14 is applied for by such beneficiary or beneficiaries within 18
15 months after the deceased's death, the Commission may, in its
16 discretion, grant a partial lump sum of not to exceed 100 weeks
17 of the compensation capitalized at their present value upon the
18 basis of interest calculated at 3% per annum with annual rests,
19 upon a showing that such partial lump sum is for the best
20 interest of such beneficiary or beneficiaries.

21 (h) In case the injured employee is under 16 years of age
22 at the time of the accident and is illegally employed, the
23 amount of compensation payable under paragraphs (a), (b), (c),
24 (d) and (f) of this Section shall be increased 50%.

25 Nothing herein contained repeals or amends the provisions
26 of the Child Labor Law relating to the employment of minors

1 under the age of 16 years.

2 However, where an employer has on file an employment
3 certificate issued pursuant to the Child Labor Law or work
4 permit issued pursuant to the Federal Fair Labor Standards Act,
5 as amended, or a birth certificate properly and duly issued,
6 such certificate, permit or birth certificate is conclusive
7 evidence as to the age of the injured minor employee for the
8 purposes of this Section only.

9 (i) Whenever the dependents of a deceased employee are
10 aliens not residing in the United States, Mexico or Canada, the
11 amount of compensation payable is limited to the beneficiaries
12 described in paragraphs (a), (b) and (c) of this Section and is
13 50% of the compensation provided in paragraphs (a), (b) and (c)
14 of this Section, except as otherwise provided by treaty.

15 In a case where any of the persons who would be entitled to
16 compensation is living at any place outside of the United
17 States, then payment shall be made to the personal
18 representative of the deceased employee. The distribution by
19 such personal representative to the persons entitled shall be
20 made to such persons and in such manner as the Commission
21 orders.

22 (Source: P.A. 93-721, eff. 1-1-05; 94-277, eff. 7-20-05;
23 94-695, eff. 11-16-05.)

24 Section 9935. The Workers' Occupational Diseases Act is
25 amended by changing Section 4 as follows:

1 (820 ILCS 310/4) (from Ch. 48, par. 172.39)

2 Sec. 4. (a) Any employer, including but not limited to
3 general contractors and their subcontractors, required by the
4 terms of this Act or by election to pay the compensation
5 provided for in this Act shall:

6 (1) File with the Commission an application for
7 approval as a self-insurer which shall include a current
8 financial statement. The application and financial
9 statement shall be signed and sworn to by the president or
10 vice-president and secretary or assistant secretary of the
11 employer if it be a corporation, or by all of the partners
12 if it be a copartnership, or by the owner if it be neither
13 a copartnership nor a corporation. An employer may elect to
14 provide and pay compensation as provided for in this Act as
15 a member of a group workers' compensation pool under
16 Article V 3/4 of the Illinois Insurance Code. If an
17 employer becomes a member of a group workers' compensation
18 pool, the employer shall not be relieved of any obligations
19 imposed by this Act.

20 If the sworn application and financial statement of any
21 such employer does not satisfy the Commission of the
22 financial ability of the employer who has filed it, the
23 Commission shall require such employer to:

24 (2) Furnish security, indemnity or a bond guaranteeing
25 the payment by the employer of the compensation provided

1 for in this Act, provided that any such employer who shall
2 have secured his or her liability in part by excess
3 liability coverage shall be required to furnish to the
4 Commission security, indemnity or bond guaranteeing his or
5 her payment up to the amount of the effective limits of the
6 excess coverage in accordance with the provisions of this
7 paragraph, or

8 (3) Insure his or her entire liability to pay such
9 compensation in some insurance carrier authorized,
10 licensed or permitted to do such insurance business in this
11 State. All policies of such insurance carriers insuring the
12 payment of compensation under this Act shall cover all the
13 employees and all such employer's compensation liability
14 in all cases in which the last day of the last exposure to
15 the occupational disease involved is within the effective
16 period of the policy, anything to the contrary in the
17 policy notwithstanding. Provided, however, that any
18 employer may insure his or her compensation liability under
19 this Act with 2 or more insurance carriers or may insure a
20 part and qualify under Subsection 1, 2, or 4 for the
21 remainder of his liability to pay such compensation,
22 subject to the following two provisions:

23 Firstly, the entire liability of the employer to
24 employees working at or from one location shall be
25 insured in one such insurance carrier or shall be
26 self-insured.

1 Secondly, the employer shall submit evidence
2 satisfactory to the Commission that his or her entire
3 liability for the compensation provided for in this Act
4 will be secured.

5 Any provision in a policy or in any endorsement
6 attached thereto attempting to limit or modify in any way
7 the liability of the insurance carrier issuing the same,
8 except as otherwise provided herein, shall be wholly void.

9 The insurance or security in force to cover
10 compensation liability under this Act shall be separate and
11 distinct from the insurance or security under the "Workers'
12 Compensation Act" and any insurance contract covering
13 liability under either Act need not cover any liability
14 under the other. Nothing herein contained shall apply to
15 policies of excess liability carriage secured by employers
16 who have been approved by the Commission as self-insurers,
17 or

18 (4) Make some other provision, satisfactory to the
19 Commission, for the securing of the payment of compensation
20 provided for in this Act, and

21 (5) Upon becoming subject to this Act and thereafter as
22 often as the Commission may in writing demand, file with
23 the Commission in form prescribed by it evidence of his or
24 her compliance with the provision of this Section.

25 (a-1) Regardless of its state of domicile or its principal
26 place of business, an employer shall make payments to its

1 insurance carrier or group self-insurance fund, where
2 applicable, based upon the premium rates of the situs where the
3 work or project is located in Illinois if:

4 (A) the employer is engaged primarily in the building
5 and construction industry; and

6 (B) subdivision (a) (3) of this Section applies to the
7 employer or the employer is a member of a group
8 self-insurance plan as defined in subsection (1) of Section
9 4a.

10 The Illinois Workers' Compensation Commission shall impose
11 a penalty upon an employer for violation of this subsection
12 (a-1) if:

13 (i) the employer is given an opportunity at a hearing
14 to present evidence of its compliance with this subsection
15 (a-1); and

16 (ii) after the hearing, the Commission finds that the
17 employer failed to make payments upon the premium rates of
18 the situs where the work or project is located in Illinois.

19 The penalty shall not exceed \$1,000 for each day of work
20 for which the employer failed to make payments upon the premium
21 rates of the situs where the work or project is located in
22 Illinois, but the total penalty shall not exceed \$50,000 for
23 each project or each contract under which the work was
24 performed.

25 Any penalty under this subsection (a-1) must be imposed not
26 later than one year after the expiration of the applicable

1 limitation period specified in subsection (c) of Section 6 of
2 this Act. Penalties imposed under this subsection (a-1) shall
3 be deposited into the Illinois Workers' Compensation
4 Commission Operations Fund created under Section 4 of the
5 Workers' Compensation Act.

6 (b) The sworn application and financial statement, or
7 security, indemnity or bond, or amount of insurance, or other
8 provisions, filed, furnished, carried, or made by the employer,
9 as the case may be, shall be subject to the approval of the
10 Commission.

11 Deposits under escrow agreements shall be cash, negotiable
12 United States government bonds or negotiable general
13 obligation bonds of the State of Illinois. Such cash or bonds
14 shall be deposited in escrow with any State or National Bank or
15 Trust Company having trust authority in the State of Illinois.

16 Upon the approval of the sworn application and financial
17 statement, security, indemnity or bond or amount of insurance,
18 filed, furnished, or carried, as the case may be, the
19 Commission shall send to the employer written notice of its
20 approval thereof. Said certificate of compliance by the
21 employer with the provisions of subparagraphs (2) and (3) of
22 paragraph (a) of this Section shall be delivered by the
23 insurance carrier to the Illinois Workers' Compensation
24 Commission within 5 days after the effective date of the policy
25 so certified. The insurance so certified shall cover all
26 compensation liability occurring during the time that the

1 insurance is in effect and no further certificate need be filed
2 in case such insurance is renewed, extended or otherwise
3 continued by such carrier. The insurance so certified shall not
4 be cancelled or in the event that such insurance is not
5 renewed, extended or otherwise continued, such insurance shall
6 not be terminated until at least 10 days after receipt by the
7 Illinois Workers' Compensation Commission of notice of the
8 cancellation or termination of said insurance; provided,
9 however, that if the employer has secured insurance from
10 another insurance carrier, or has otherwise secured the payment
11 of compensation in accordance with this Section, and such
12 insurance or other security becomes effective prior to the
13 expiration of said 10 days, cancellation or termination may, at
14 the option of the insurance carrier indicated in such notice,
15 be effective as of the effective date of such other insurance
16 or security.

17 (c) Whenever the Commission shall find that any
18 corporation, company, association, aggregation of individuals,
19 reciprocal or interinsurers exchange, or other insurer
20 effecting workers' occupational disease compensation insurance
21 in this State shall be insolvent, financially unsound, or
22 unable to fully meet all payments and liabilities assumed or to
23 be assumed for compensation insurance in this State, or shall
24 practice a policy of delay or unfairness toward employees in
25 the adjustment, settlement, or payment of benefits due such
26 employees, the Commission may after reasonable notice and

1 hearing order and direct that such corporation, company,
2 association, aggregation of individuals, reciprocal or
3 interinsurers exchange, or insurer, shall from and after a date
4 fixed in such order discontinue the writing of any such
5 workers' occupational disease compensation insurance in this
6 State. It shall thereupon be unlawful for any such corporation,
7 company, association, aggregation of individuals, reciprocal
8 or interinsurers exchange, or insurer to effect any workers'
9 occupational disease compensation insurance in this State. A
10 copy of the order shall be served upon the Secretary of
11 Financial and Professional Regulation ~~Director of Insurance~~ by
12 registered mail. Whenever the Commission finds that any service
13 or adjustment company used or employed by a self-insured
14 employer or by an insurance carrier to process, adjust,
15 investigate, compromise or otherwise handle claims under this
16 Act, has practiced or is practicing a policy of delay or
17 unfairness toward employees in the adjustment, settlement or
18 payment of benefits due such employees, the Commission may
19 after reasonable notice and hearing order and direct that such
20 service or adjustment company shall from and after a date fixed
21 in such order be prohibited from processing, adjusting,
22 investigating, compromising or otherwise handling claims under
23 this Act.

24 Whenever the Commission finds that any self-insured
25 employer has practiced or is practicing delay or unfairness
26 toward employees in the adjustment, settlement or payment of

1 benefits due such employees, the Commission may after
2 reasonable notice and hearing order and direct that after a
3 date fixed in the order such self-insured employer shall be
4 disqualified to operate as a self-insurer and shall be required
5 to insure his entire liability to pay compensation in some
6 insurance carrier authorized, licensed and permitted to do such
7 insurance business in this State as provided in subparagraph
8 (3) of paragraph (a) of this Section.

9 All orders made by the Commission under this Section shall
10 be subject to review by the courts, the review to be taken in
11 the same manner and within the same time as provided by Section
12 19 of this Act for review of awards and decisions of the
13 Commission, upon the party seeking the review filing with the
14 clerk of the court to which said review is taken a bond in an
15 amount to be fixed and approved by the court to which said
16 review is taken, conditioned upon the payment of all
17 compensation awarded against the person taking the review
18 pending a decision thereof and further conditioned upon such
19 other obligations as the court may impose. Upon the review the
20 Circuit Court shall have power to review all questions of fact
21 as well as of law. The penalty hereinafter provided for in this
22 paragraph shall not attach and shall not begin to run until the
23 final determination of the order of the Commission.

24 (d) Upon a finding by the Commission, after reasonable
25 notice and hearing, of the knowing and wilful failure of an
26 employer to comply with any of the provisions of paragraph (a)

1 of this Section or the failure or refusal of an employer,
2 service or adjustment company, or insurance carrier to comply
3 with any order of the Illinois Workers' Compensation Commission
4 pursuant to paragraph (c) of this Section the Commission may
5 assess a civil penalty of up to \$500 per day for each day of
6 such failure or refusal after the effective date of this
7 amendatory Act of 1989. Each day of such failure or refusal
8 shall constitute a separate offense.

9 Upon the failure or refusal of any employer, service or
10 adjustment company or insurance carrier to comply with the
11 provisions of this Section and orders of the Commission under
12 this Section, or the order of the court on review after final
13 adjudication, the Commission may bring a civil action to
14 recover the amount of the penalty in Cook County or in Sangamon
15 County in which litigation the Commission shall be represented
16 by the Attorney General. The Commission shall send notice of
17 its finding of non-compliance and assessment of the civil
18 penalty to the Attorney General. It shall be the duty of the
19 Attorney General within 30 days after receipt of the notice, to
20 institute prosecutions and promptly prosecute all reported
21 violations of this Section.

22 (e) This Act shall not affect or disturb the continuance of
23 any existing insurance, mutual aid, benefit, or relief
24 association or department, whether maintained in whole or in
25 part by the employer or whether maintained by the employees,
26 the payment of benefits of such association or department being

1 guaranteed by the employer or by some person, firm or
2 corporation for him or her: Provided, the employer contributes
3 to such association or department an amount not less than the
4 full compensation herein provided, exclusive of the cost of the
5 maintenance of such association or department and without any
6 expense to the employee. This Act shall not prevent the
7 organization and maintaining under the insurance laws of this
8 State of any benefit or insurance company for the purpose of
9 insuring against the compensation provided for in this Act, the
10 expense of which is maintained by the employer. This Act shall
11 not prevent the organization or maintaining under the insurance
12 laws of this State of any voluntary mutual aid, benefit or
13 relief association among employees for the payment of
14 additional accident or sick benefits.

15 (f) No existing insurance, mutual aid, benefit or relief
16 association or department shall, by reason of anything herein
17 contained, be authorized to discontinue its operation without
18 first discharging its obligations to any and all persons
19 carrying insurance in the same or entitled to relief or
20 benefits therein.

21 (g) Any contract, oral, written or implied, of employment
22 providing for relief benefit, or insurance or any other device
23 whereby the employee is required to pay any premium or premiums
24 for insurance against the compensation provided for in this Act
25 shall be null and void. Any employer withholding from the wages
26 of any employee any amount for the purpose of paying any such

1 premium shall be guilty of a Class B misdemeanor.

2 In the event the employer does not pay the compensation for
3 which he or she is liable, then an insurance company,
4 association or insurer which may have insured such employer
5 against such liability shall become primarily liable to pay to
6 the employee, his personal representative or beneficiary the
7 compensation required by the provisions of this Act to be paid
8 by such employer. The insurance carrier may be made a party to
9 the proceedings in which the employer is a party and an award
10 may be entered jointly against the employer and the insurance
11 carrier.

12 (h) It shall be unlawful for any employer, insurance
13 company or service or adjustment company to interfere with,
14 restrain or coerce an employee in any manner whatsoever in the
15 exercise of the rights or remedies granted to him or her by
16 this Act or to discriminate, attempt to discriminate, or
17 threaten to discriminate against an employee in any way because
18 of his exercise of the rights or remedies granted to him by
19 this Act.

20 It shall be unlawful for any employer, individually or
21 through any insurance company or service or adjustment company,
22 to discharge or to threaten to discharge, or to refuse to
23 rehire or recall to active service in a suitable capacity an
24 employee because of the exercise of his or her rights or
25 remedies granted to him or her by this Act.

26 (i) If an employer elects to obtain a life insurance policy

1 on his employees, he may also elect to apply such benefits in
2 satisfaction of all or a portion of the death benefits payable
3 under this Act, in which case, the employer's premium for
4 coverage for benefits under this Act shall be reduced
5 accordingly.

6 (Source: P.A. 93-721, eff. 1-1-05.)

7 Section 9940. The Unemployment Insurance Act is amended by
8 changing Section 1900 as follows:

9 (820 ILCS 405/1900) (from Ch. 48, par. 640)

10 Sec. 1900. Disclosure of information.

11 A. Except as provided in this Section, information obtained
12 from any individual or employing unit during the administration
13 of this Act shall:

14 1. be confidential,

15 2. not be published or open to public inspection,

16 3. not be used in any court in any pending action or
17 proceeding,

18 4. not be admissible in evidence in any action or
19 proceeding other than one arising out of this Act.

20 B. No finding, determination, decision, ruling or order
21 (including any finding of fact, statement or conclusion made
22 therein) issued pursuant to this Act shall be admissible or
23 used in evidence in any action other than one arising out of
24 this Act, nor shall it be binding or conclusive except as

1 provided in this Act, nor shall it constitute res judicata,
2 regardless of whether the actions were between the same or
3 related parties or involved the same facts.

4 C. Any officer or employee of this State, any officer or
5 employee of any entity authorized to obtain information
6 pursuant to this Section, and any agent of this State or of
7 such entity who, except with authority of the Director under
8 this Section, shall disclose information shall be guilty of a
9 Class B misdemeanor and shall be disqualified from holding any
10 appointment or employment by the State.

11 D. An individual or his duly authorized agent may be
12 supplied with information from records only to the extent
13 necessary for the proper presentation of his claim for benefits
14 or with his existing or prospective rights to benefits.
15 Discretion to disclose this information belongs solely to the
16 Director and is not subject to a release or waiver by the
17 individual. Notwithstanding any other provision to the
18 contrary, an individual or his or her duly authorized agent may
19 be supplied with a statement of the amount of benefits paid to
20 the individual during the 18 months preceding the date of his
21 or her request.

22 E. An employing unit may be furnished with information,
23 only if deemed by the Director as necessary to enable it to
24 fully discharge its obligations or safeguard its rights under
25 the Act. Discretion to disclose this information belongs solely
26 to the Director and is not subject to a release or waiver by

1 the employing unit.

2 F. The Director may furnish any information that he may
3 deem proper to any public officer or public agency of this or
4 any other State or of the federal government dealing with:

- 5 1. the administration of relief,
- 6 2. public assistance,
- 7 3. unemployment compensation,
- 8 4. a system of public employment offices,
- 9 5. wages and hours of employment, or
- 10 6. a public works program.

11 The Director may make available to the Illinois Workers'
12 Compensation Commission information regarding employers for
13 the purpose of verifying the insurance coverage required under
14 the Workers' Compensation Act and Workers' Occupational
15 Diseases Act.

16 G. The Director may disclose information submitted by the
17 State or any of its political subdivisions, municipal
18 corporations, instrumentalities, or school or community
19 college districts, except for information which specifically
20 identifies an individual claimant.

21 H. The Director shall disclose only that information
22 required to be disclosed under Section 303 of the Social
23 Security Act, as amended, including:

- 24 1. any information required to be given the United
25 States Department of Labor under Section 303(a)(6); and
- 26 2. the making available upon request to any agency of

1 the United States charged with the administration of public
2 works or assistance through public employment, the name,
3 address, ordinary occupation and employment status of each
4 recipient of unemployment compensation, and a statement of
5 such recipient's right to further compensation under such
6 law as required by Section 303(a)(7); and

7 3. records to make available to the Railroad Retirement
8 Board as required by Section 303(c)(1); and

9 4. information that will assure reasonable cooperation
10 with every agency of the United States charged with the
11 administration of any unemployment compensation law as
12 required by Section 303(c)(2); and

13 5. information upon request and on a reimbursable basis
14 to the United States Department of Agriculture and to any
15 State food stamp agency concerning any information
16 required to be furnished by Section 303(d); and

17 6. any wage information upon request and on a
18 reimbursable basis to any State or local child support
19 enforcement agency required by Section 303(e); and

20 7. any information required under the income
21 eligibility and verification system as required by Section
22 303(f); and

23 8. information that might be useful in locating an
24 absent parent or that parent's employer, establishing
25 paternity or establishing, modifying, or enforcing child
26 support orders for the purpose of a child support

1 enforcement program under Title IV of the Social Security
2 Act upon the request of and on a reimbursable basis to the
3 public agency administering the Federal Parent Locator
4 Service as required by Section 303(h); and

5 9. information, upon request, to representatives of
6 any federal, State or local governmental public housing
7 agency with respect to individuals who have signed the
8 appropriate consent form approved by the Secretary of
9 Housing and Urban Development and who are applying for or
10 participating in any housing assistance program
11 administered by the United States Department of Housing and
12 Urban Development as required by Section 303(i).

13 I. The Director, upon the request of a public agency of
14 Illinois, of the federal government or of any other state
15 charged with the investigation or enforcement of Section 10-5
16 of the Criminal Code of 1961 (or a similar federal law or
17 similar law of another State), may furnish the public agency
18 information regarding the individual specified in the request
19 as to:

20 1. the current or most recent home address of the
21 individual, and

22 2. the names and addresses of the individual's
23 employers.

24 J. Nothing in this Section shall be deemed to interfere
25 with the disclosure of certain records as provided for in
26 Section 1706 or with the right to make available to the

1 Internal Revenue Service of the United States Department of the
2 Treasury, or the Department of Revenue of the State of
3 Illinois, information obtained under this Act.

4 K. The Department shall make available to the Illinois
5 Student Assistance Commission, upon request, information in
6 the possession of the Department that may be necessary or
7 useful to the Commission in the collection of defaulted or
8 delinquent student loans which the Commission administers.

9 L. The Department shall make available to the State
10 Employees' Retirement System, the State Universities
11 Retirement System, and the Teachers' Retirement System of the
12 State of Illinois, upon request, information in the possession
13 of the Department that may be necessary or useful to the System
14 for the purpose of determining whether any recipient of a
15 disability benefit from the System is gainfully employed.

16 M. This Section shall be applicable to the information
17 obtained in the administration of the State employment service,
18 except that the Director may publish or release general labor
19 market information and may furnish information that he may deem
20 proper to an individual, public officer or public agency of
21 this or any other State or the federal government (in addition
22 to those public officers or public agencies specified in this
23 Section) as he prescribes by Rule.

24 N. The Director may require such safeguards as he deems
25 proper to insure that information disclosed pursuant to this
26 Section is used only for the purposes set forth in this

1 Section.

2 O. (Blank).

3 P. Within 30 days after the effective date of this
4 amendatory Act of 1993 and annually thereafter, the Department
5 shall provide to the Department of Financial and Professional
6 Regulation ~~Institutions~~ a list of individuals or entities that,
7 for the most recently completed calendar year, report to the
8 Department as paying wages to workers. The lists shall be
9 deemed confidential and may not be disclosed to any other
10 person.

11 Q. The Director shall make available to an elected federal
12 official the name and address of an individual or entity that
13 is located within the jurisdiction from which the official was
14 elected and that, for the most recently completed calendar
15 year, has reported to the Department as paying wages to
16 workers, where the information will be used in connection with
17 the official duties of the official and the official requests
18 the information in writing, specifying the purposes for which
19 it will be used. For purposes of this subsection, the use of
20 information in connection with the official duties of an
21 official does not include use of the information in connection
22 with the solicitation of contributions or expenditures, in
23 money or in kind, to or on behalf of a candidate for public or
24 political office or a political party or with respect to a
25 public question, as defined in Section 1-3 of the Election
26 Code, or in connection with any commercial solicitation. Any

1 elected federal official who, in submitting a request for
2 information covered by this subsection, knowingly makes a false
3 statement or fails to disclose a material fact, with the intent
4 to obtain the information for a purpose not authorized by this
5 subsection, shall be guilty of a Class B misdemeanor.

6 R. The Director may provide to any State or local child
7 support agency, upon request and on a reimbursable basis,
8 information that might be useful in locating an absent parent
9 or that parent's employer, establishing paternity, or
10 establishing, modifying, or enforcing child support orders.

11 S. The Department shall make available to a State's
12 Attorney of this State or a State's Attorney's investigator,
13 upon request, the current address or, if the current address is
14 unavailable, current employer information, if available, of a
15 victim of a felony or a witness to a felony or a person against
16 whom an arrest warrant is outstanding.

17 T. The Director shall make available to the Department of
18 State Police, upon request, any information concerning the
19 place of employment or former places of employment of a person
20 who is required to register as a sex offender under the Sex
21 Offender Registration Act that may be useful in enforcing the
22 registration provisions requiring a sex offender to disclose
23 his or her place of employment to the law enforcement agency of
24 the jurisdiction in which the sex offender is employed.

25 (Source: P.A. 93-311, eff. 1-1-04; 93-721, eff. 1-1-05; 94-911,
26 eff. 6-23-06.)

1 Section 9995. Severability. If any provision of this Act or
2 its application to any person or circumstance is held invalid
3 by any court of competent jurisdiction, this invalidity does
4 not affect any other provision or application of this Act that
5 can be given effect without the invalid provision or
6 application. To achieve this purpose, the provisions of this
7 Act are declared to be severable.

8 Section 9999. Effective date. This Act takes effect upon
9 becoming law.

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13	225 ILCS 105/20	from Ch. 111, par. 5020
14	225 ILCS 106/2 new	
15	225 ILCS 106/110	
16	225 ILCS 107/2 new	
17	225 ILCS 107/95	
18	225 ILCS 110/1.5 new	
19	225 ILCS 115/2.5 new	
20	225 ILCS 120/2 new	
21	225 ILCS 120/35	from Ch. 111, par. 8301-35
22	225 ILCS 125/2 new	
23	225 ILCS 130/2 new	
24	225 ILCS 130/90	
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2	225 ILCS 305/25	from Ch. 111, par. 1325
3	225 ILCS 305/38	from Ch. 111, par. 1338
4	225 ILCS 310/1.5 new	
5	225 ILCS 310/30	from Ch. 111, par. 8230
6	225 ILCS 312/100	
7	225 ILCS 315/2.5 new	
8	225 ILCS 315/15	from Ch. 111, par. 8115
9	225 ILCS 315/20	from Ch. 111, par. 8120
10	225 ILCS 325/2.5 new	
11	225 ILCS 325/27	from Ch. 111, par. 5227
12	225 ILCS 325/44	from Ch. 111, par. 5244
13	225 ILCS 330/2.5 new	
14	225 ILCS 330/30	from Ch. 111, par. 3280
15	225 ILCS 330/48	from Ch. 111, par. 3298
16	225 ILCS 335/1.5 new	
17	225 ILCS 335/9.2	from Ch. 111, par. 7509.2
18	225 ILCS 340/2.5 new	
19	225 ILCS 340/23	from Ch. 111, par. 6623
20	225 ILCS 340/36	from Ch. 111, par. 6636
21	225 ILCS 407/5-2 new	
22	225 ILCS 407/30-15	
23	225 ILCS 410/1-1.5 new	
24	225 ILCS 412/2 new	
25	225 ILCS 415/2.5 new	
26	225 ILCS 425/1.5 new	

1 225 ILCS 425/17
2 225 ILCS 430/0.02 new
3 225 ILCS 430/18 from Ch. 111, par. 2419
4 225 ILCS 441/1-2 new
5 225 ILCS 441/25-5
6 225 ILCS 447/5-6 new
7 225 ILCS 450/0.01a new
8 225 ILCS 450/32 from Ch. 111, par. 5537
9 225 ILCS 454/1-2 new
10 225 ILCS 454/25-25
11 225 ILCS 454/25-30
12 225 ILCS 454/25-37
13 225 ILCS 458/1-2 new
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15 225 ILCS 510/13 from Ch. 111, par. 963
16 225 ILCS 745/2 new
17 225 ILCS 745/95
18 240 ILCS 5/0.02 new
19 240 ILCS 40/30-5
20 305 ILCS 5/5-11 from Ch. 23, par. 5-11
21 305 ILCS 5/8A-7.1 from Ch. 23, par. 8A-7.1
22 305 ILCS 5/12-13.1
23 320 ILCS 20/4 from Ch. 23, par. 6604
24 320 ILCS 20/8 from Ch. 23, par. 6608
25 320 ILCS 42/35
26 325 ILCS 5/4.02 from Ch. 23, par. 2054.02

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2	325 ILCS 20/4	from Ch. 23, par. 4154
3	405 ILCS 5/1-103	from Ch. 91 1/2, par. 1-103
4	410 ILCS 50/3	from Ch. 111 1/2, par. 5403
5	410 ILCS 515/6	from Ch. 111 1/2, par. 7856
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7	410 ILCS 620/3.22	from Ch. 56 1/2, par. 503.22
8	415 ILCS 5/21.1	from Ch. 111 1/2, par. 1021.1
9	415 ILCS 100/6	from Ch. 111 1/2, par. 7206
10	425 ILCS 25/6	from Ch. 127 1/2, par. 6
11	425 ILCS 25/12	from Ch. 127 1/2, par. 16
12	425 ILCS 25/13	from Ch. 127 1/2, par. 17
13	425 ILCS 25/13.1	from Ch. 127 1/2, par. 17.1
14	425 ILCS 30/21	from Ch. 127 1/2, par. 121
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18	625 ILCS 5/3-818	from Ch. 95 1/2, par. 3-818
19	625 ILCS 5/7-317	from Ch. 95 1/2, par. 7-317
20	625 ILCS 5/7-501	from Ch. 95 1/2, par. 7-501
21	625 ILCS 5/7-502	from Ch. 95 1/2, par. 7-502
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2	720 ILCS 570/303.1	from Ch. 56 1/2, par. 1303.1
3	720 ILCS 570/304	from Ch. 56 1/2, par. 1304
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5	720 ILCS 570/306	from Ch. 56 1/2, par. 1306
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9	720 ILCS 570/501.1	from Ch. 56 1/2, par. 1501.1
10	720 ILCS 570/505	from Ch. 56 1/2, par. 1505
11	720 ILCS 570/507	from Ch. 56 1/2, par. 1507
12	720 ILCS 590/3	from Ch. 38, par. 70-53
13	725 ILCS 5/119-5	from Ch. 38, par. 119-5
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17	740 ILCS 10/5	from Ch. 38, par. 60-5
18	740 ILCS 140/1	from Ch. 70, par. 801
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10	805 ILCS 15/5	from Ch. 32, par. 635
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25	815 ILCS 205/11	from Ch. 17, par. 6419
26	815 ILCS 375/8	from Ch. 121 1/2, par. 568

- 1 815 ILCS 375/9.01 from Ch. 121 1/2, par. 569.01
- 2 815 ILCS 385/8 from Ch. 121 1/2, par. 349.8
- 3 815 ILCS 405/4 from Ch. 121 1/2, par. 504
- 4 815 ILCS 405/8 from Ch. 121 1/2, par. 508
- 5 815 ILCS 405/10 from Ch. 121 1/2, par. 510
- 6 820 ILCS 305/4 from Ch. 48, par. 138.4
- 7 820 ILCS 305/7 from Ch. 48, par. 138.7
- 8 820 ILCS 310/4 from Ch. 48, par. 172.39
- 9 820 ILCS 405/1900 from Ch. 48, par. 640