



State Government Administration Committee

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1 AMENDMENT TO HOUSE BILL 2284

2 AMENDMENT NO. _____. Amend House Bill 2284 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Personal Property Storage Act is amended by
5 changing Sections 1, 1.1, 2, 4, 5, 6, 7, 8, 10, 12, 14, 15, 16,
6 17, 19, and 20 and by adding Sections 15.5, 15.6, 19.5, 20.1
7 and 20.2 as follows:

8 (240 ILCS 10/1) (from Ch. 111 2/3, par. 119)

9 Sec. 1. No person shall operate a warehouse or engage in
10 the business of storing personal property for a compensation,
11 or hold himself out as being in the storage or warehouse
12 business, or as offering storage or warehouse facilities, or
13 advertise for, solicit or accept personal property for storage,
14 without a license issued by the Commission ~~Illinois Department~~
15 ~~of Agriculture~~, except that licenses issued under this Act by
16 the Illinois Commerce Commission prior to May 4, 1967 shall

1 remain valid for all purposes unless such license is
2 terminated, surrendered or revoked as provided in this Act, and
3 except further that licenses issued by the Illinois Department
4 of Agriculture under this Act prior to January 1, 2010 shall
5 remain valid for all purposes unless such license is
6 terminated, surrendered, or revoked as provided in this Act.

7 Recognized fair associations shall be licensed as set forth
8 under the special provisions of Section 1.1. No person shall
9 receive, hold, store or deliver any alcoholic liquors without a
10 certificate of registration from the Department of Revenue in
11 accordance with Article VII A of "An Act relating to alcoholic
12 liquors", approved January 31, 1934, as heretofore and
13 hereafter amended. The certificate of registration required by
14 the Department of Revenue is in addition to the license
15 required under this Act. This Act does not apply to warehouses
16 licensed under "An Act to regulate refrigerated warehouses in
17 the handling and storage of certain articles of food, and to
18 repeal an Act therein named", approved May 25, 1955, as now or
19 hereafter amended; public warehouses storing grain; garages
20 customarily housing automobiles for in and out storage; storage
21 of personal property in safety deposit vaults or boxes, lock
22 boxes, and check rooms where personal effects, parcels and the
23 like are received for temporary custody; and to the storage of
24 personal property while it is being held in storage for
25 scientific care for repairs or alterations, or is in the
26 process of repair or alteration, or which is incidental to the

1 business of manufacturing, selling, repairing, altering,
2 cleaning, or glazing of furs or of any other garment or article
3 of which fur forms any part thereof.

4 (Source: P.A. 81-158.)

5 (240 ILCS 10/1.1) (from Ch. 111 2/3, par. 119.1)

6 Sec. 1.1. Governmental fairs as set forth under the
7 Agricultural Fairs Act and the Illinois State Fair which store
8 personal property for compensation or hold themselves out as
9 offering storage or storage facilities for personal property
10 shall be licensed under a limited special governmental fairs
11 license. This special license shall be issued for personal
12 property other than goods, wares, household goods, furniture
13 and merchandise and shall be of the type of personal property
14 as set forth by regulation of the Commission ~~Department~~.
15 Personal property stored by these licensees shall be primarily
16 boats, farm machinery and other similar tangible personal
17 property as authorized by regulation of the Commission
18 ~~Department~~. Each licensee shall have a signed contract with
19 each depositor on forms as prescribed by the Commission
20 ~~Department~~ and shall also comply with Section 10. If such
21 licensee does not have a bond or legal liability policy as set
22 forth in Section 6, then the receipt shall have stamped across
23 its face in bold type "Not Insured." If a licensee under this
24 Section complies with the requirements of Section 6, the
25 licensee shall provide to the Commission ~~Department~~ evidence of

1 such compliance as required in Section 6 of this Act. A
2 governmental fairs licensee shall comply with all other
3 requirements of this Act.

4 (Source: P.A. 81-158.)

5 (240 ILCS 10/2) (from Ch. 111 2/3, par. 120)

6 Sec. 2. Definitions. When used in this Act:

7 The term "Commission" means the Illinois Commerce
8 Commission.

9 The term "warehouse" means any room, house, structure,
10 building, place, yard or protected enclosure where personal
11 property belonging to another is stored for a compensation.

12 The term "personal property" means all goods, wares,
13 household goods, furniture, merchandise, or any other tangible
14 personal property, of whatever kind, except that "grain" as
15 defined in "The Public Grain Warehouse and Warehouse Receipts
16 Act" is not included.

17 ~~The term "Department" means the Illinois Department of~~
18 ~~Agriculture.~~

19 The term "operator", "warehouseman", or "personal property
20 warehouseman" means any person, firm, partnership,
21 association, or corporation owning, controlling, operating,
22 managing or leasing any room, house, structure, building,
23 place, yard or protected enclosure in or on which personal
24 property is stored for a compensation within this State.

25 The term "person" means any individual, firm, partnership,

1 association or corporation.

2 The term "depositor" means any person, who, for himself or
3 another, delivers or causes to be delivered for storage any
4 personal property in and to a warehouse.

5 The term "for a compensation" means direct or indirect
6 charge for storage.

7 The term "lot" means the unit or units of property for
8 which a separate account is kept by the warehouseman.

9 The term "storage" means the safe keeping of personal
10 property in a warehouse.

11 The term "engaged in the business of storing personal
12 property" means any person who holds himself out, by any means
13 whatever, as accepting, or willing to accept, personal property
14 for storage.

15 The term "receipt" means a warehouse receipt issued in
16 conformity with the "Uniform Commercial Code", as heretofore
17 and hereafter amended.

18 The term "warehouse representative" or "warehouse broker"
19 means any person who, independently and not as a salaried agent
20 of a duly licensed warehouseman, for a consideration, solicits,
21 sells or otherwise attempts to procure deposits of personal
22 property in personal property warehouses.

23 (Source: P.A. 83-1065.)

24 (240 ILCS 10/4) (from Ch. 111 2/3, par. 122)

25 Sec. 4. Applications. No person shall engage in business as

1 a personal property warehouseman in the State of Illinois
2 without a license therefor issued by the Commission ~~Department~~.
3 The application for a license to engage in business as a
4 personal property warehouseman shall be filed with the
5 Commission ~~Department~~. Such application shall set forth the
6 name of the applicant, the principal officers if the applicant
7 is a corporation, the managers (if manager-managed) or the
8 members (if member-managed), if the applicant is a limited
9 liability company, or the active members of a partnership if
10 the applicant is a partnership, the location of the principal
11 office or place of business of the applicant and the location
12 or locations in this State at which the applicant proposes to
13 engage in business as a personal property warehouseman, and
14 such additional information as the Commission ~~Department~~, by
15 regulation, may require. The application shall also set forth
16 the location, character, and description of the building or
17 place of the proposed warehouse, the kind of property, goods,
18 ware, and merchandise expected to be stored therein, and the
19 approximate number of square feet of floor space, or, if
20 applicable, the total cubic capacity devoted to storage
21 purposes. The Commission ~~Department~~ shall require information
22 showing that the property to be used is reasonably suitable for
23 warehouse purposes, that the applicant is qualified to conduct
24 the business of storing personal property under this Act, and
25 the applicant proposes to conduct the business in accordance
26 with the laws of this State and the rules and regulations of

1 the Commission ~~Department~~.

2 (Source: P.A. 83-1065.)

3 (240 ILCS 10/5) (from Ch. 111 2/3, par. 123)

4 Sec. 5. Inspections. Upon the filing of an application, the
5 Commission ~~Department~~ shall cause an inspection to be made of
6 each ~~the~~ warehouse described in the application. Additional
7 inspections of any warehouse may be made from time to time as
8 the Commission ~~Department~~ deems necessary, in order to
9 effectuate the purposes of this Act.

10 Such inspection or inspections may include not only the
11 building or premises used for storage purposes but the
12 arrangement of the goods stored, nature of goods stored, safety
13 of the building, accessibility to goods stored, precaution
14 against fire hazards; whether fire extinguishers, fire
15 apparatus, or hose are in good condition; whether all lots for
16 which warehouse receipts have been issued are in storage; and
17 any other things necessary to determine whether the warehouse
18 is being operated in compliance with this Act. Commission staff
19 ~~The inspector~~ shall have the right to enter the property of any
20 warehouseman at any reasonable time, for the purpose of making
21 an inspection or performing any duties in connection with this
22 Act.

23 If the inspection of any warehouse discloses a hazardous
24 condition or conditions or any other violation of this Act or
25 the Commission's rules, the operator shall, upon written notice

1 from the Commission Department, take proper and immediate steps
2 to correct the condition or conditions. Failure to comply with
3 the notice shall be grounds for rejecting an application or for
4 revoking a license.

5 (Source: P.A. 83-1065.)

6 (240 ILCS 10/6) (from Ch. 111 2/3, par. 124)

7 Sec. 6. Bond or legal liability insurance policy. Prior to
8 the issuance of a license, the personal property warehouseman
9 shall file with the Commission Department a surety bond, or
10 legal liability insurance policy on a form prescribed by the
11 Commission Department, signed by the warehouseman as principal
12 and by a responsible company authorized to execute surety bonds
13 within the State of Illinois. The bond shall contain provisions
14 for faithful performance by the applicant of his duties as a
15 warehouseman in accordance with this Act, the rules and
16 regulations thereof, and the "Uniform Commercial Code", as now
17 or hereafter amended. Such bond shall also contain provisions
18 for the payment of any loss or damage sustained by any
19 depositor of property stored.

20 The ~~amount of such~~ bond or insurance policy shall be in the
21 amount set by the Commission by rule. ~~is determined upon the~~
22 ~~following basis:~~

23 ~~For less than 20,000 net square feet of floor space or for~~
24 ~~less than 50,000 net cubic feet of volume devoted to the~~
25 ~~storage of personal property, \$5,000;~~

1 ~~For 20,000 and less than 50,000 net square feet of floor~~
2 ~~space or for 50,000 and less than 100,000 net cubic feet of~~
3 ~~volume devoted to the storage of personal property, \$10,000;~~

4 ~~For 50,000 and less than 100,000 net square feet of floor~~
5 ~~space or for 100,000 and less than 200,000 net cubic feet of~~
6 ~~volume devoted to the storage of personal property, \$15,000;~~

7 ~~For 100,000 and less than 200,000 net square feet of floor~~
8 ~~space or for 200,000 and less than 300,000 net cubic feet of~~
9 ~~volume devoted to the storage of personal property, \$20,000;~~

10 ~~For 200,000 and less than 300,000 net square feet of floor~~
11 ~~space or for 300,000 and less than 400,000 net cubic feet of~~
12 ~~volume devoted to the storage of personal property, \$25,000;~~

13 and

14 ~~For 300,000 or more net square feet of floor space or for~~
15 ~~400,000 or more net cubic feet of volume devoted to the storage~~
16 ~~of personal property, \$25,000 plus an additional \$5,000 for~~
17 ~~each additional 100,000 net square feet, or net cubic feet of~~
18 ~~volume, or fraction thereof.~~

19 Such bond or insurance policy is to be made payable to the
20 People of the State of Illinois, for the use and benefit of all
21 persons aggrieved by the failure of the operator to comply with
22 this Act, and shall not be cancelled during the period for
23 which any license is issued, except upon at least 90 days'
24 notice, in writing, to the Commission ~~Department~~.

25 If bond other than a surety bond is filed, it must be
26 secured by real estate having a value of not less than double

1 the amount of such bond over and above all exemptions and liens
2 thereon. Such bond shall be recorded and be a lien on the real
3 estate for the amount thereof, and the recording fees paid by
4 the applicant or operator.

5 Any operator may, in lieu of a bond, file with the
6 Commission ~~Department~~ a certified copy of a legal liability
7 insurance policy or a certificate of deposit. The principal
8 amount of the legal liability insurance policy and the
9 certificate of deposit shall be the same as that required for a
10 surety bond under this Act. Any certificate of deposit filed
11 with the Commission ~~Department~~, in lieu of a surety bond, shall
12 be payable to the Commission ~~Director of the Department~~ as
13 Trustee and the interest thereon shall be made payable to the
14 purchaser thereof.

15 The legal liability insurance policy shall contain a loss
16 payable endorsement making such policy payable to the People of
17 the State of Illinois, with the Commission ~~Director of the~~
18 ~~Department~~ as Trustee. The legal liability insurance policy
19 shall not be cancelled during the period for which any license
20 is issued, except upon at least 90 days' notice in writing to
21 the Commission ~~Department~~. When in the discretion of the
22 Commission ~~Department~~, the legal liability insurance policy or
23 the assets of a warehouseman appear to be insufficient, when
24 compared to his storage obligations or to meet the bond
25 requirements of the United States, or any agency or corporation
26 controlled by the United States when they have a contract for

1 storage with the warehouseman, or for any other reason it may
2 appear necessary to the Commission ~~Department~~, the Commission
3 ~~Department~~ may require such additional bond or legal liability
4 insurance policy as may be reasonable in the circumstances.

5 The Commission ~~Director of Agriculture~~ as trustee of the
6 bond or policy shall have the authorities granted him in
7 Section 205-410 of the Department of Agriculture Law (20 ILCS
8 205/205-410) and the rules and regulations adopted pursuant
9 thereto.

10 Failure to keep such bond or insurance policy in effect is
11 cause for the revocation of any license.

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

13 (240 ILCS 10/7) (from Ch. 111 2/3, par. 125)

14 Sec. 7. Fees. Each applicant shall accompany its ~~his~~
15 application for a personal property warehouse license with and
16 thereafter pay to the Commission ~~Department~~ an initial fee of
17 \$250 and an annual renewal fee of \$150, plus an annual fee of
18 \$100 for each additional personal property warehouse operated
19 by the applicant to keep and perpetuate the license, or such
20 other amounts as the Commission may set by rule. The special
21 governmental fairs annual license fee shall be \$50, or such
22 other amount as the Commission may by regulation prescribe.

23 (Source: P.A. 85-528.)

24 (240 ILCS 10/8) (from Ch. 111 2/3, par. 126)

1 Sec. 8. Issuance and period of license. Upon compliance
2 with this Act by the applicant, the Commission ~~Department~~ shall
3 issue a license or licenses to such applicant which is valid
4 for one year from the date of its issuance unless said license
5 is suspended or revoked after due process in accordance with
6 this Act.

7 (Source: P.A. 83-1065.)

8 (240 ILCS 10/10) (from Ch. 111 2/3, par. 128)

9 Sec. 10. Warehouse Receipts. Every operator shall, upon the
10 receipt of personal property for storage, issue and deliver to
11 the depositor a negotiable or a non-negotiable warehouse
12 receipt.

13 Negotiable warehouse receipt forms, complying in every
14 respect with subsection (2) of Section 7-202 of the "Uniform
15 Commercial Code", approved July 31, 1961, as amended, must be
16 printed in a form prescribed by the Commission ~~Department~~, and
17 prenumbered by a bonded printer. Negotiable warehouse receipt
18 forms must be kept under lock and key at the office of the
19 warehouse operator. A register must be kept of each negotiable
20 warehouse receipt issued. Endorsements shall be made on the
21 negotiable warehouse receipt of any partial deliveries of goods
22 covered by such receipt. Delivery of goods covered by a
23 negotiable warehouse receipt without surrender of such
24 negotiable warehouse receipt shall be prohibited.

25 Non-negotiable warehouse receipts shall conform with

1 subsection (2) of Section 7-202 of the "Uniform Commercial
2 Code", approved July 31, 1961, as amended.

3 The property of each depositor shall be specifically
4 designated under a lot, product code, batch, or other control
5 unit agreed upon by the warehouseman and depositor. Said
6 designation shall also appear on the receipt for the purpose of
7 identification, and a separate account and record shall be kept
8 for each customer's property.

9 No operator shall issue any receipt unless the same shall
10 state on the face thereof in conspicuous type whether or not
11 such goods are insured for the benefit of the depositor against
12 fire or any other casualty.

13 (Source: P.A. 83-1065.)

14 (240 ILCS 10/12) (from Ch. 111 2/3, par. 130)

15 Sec. 12. Advertisements.

16 It is unlawful for any person, firm, partnership,
17 association, limited liability company, or corporation to hold
18 himself, themselves, or itself out as a warehouseman or
19 advertise for, or solicit business as a warehouseman without
20 first complying with this Act; or advertising as being an
21 insured warehouse unless the insurance is for the benefit of
22 the depositor against fire or other casualties; or to use any
23 stationery, cards, signs or other advertisements of a false,
24 fraudulent, deceptive or misleading nature; or use the word
25 storage, in any way, in connection with the business unless

1 engaged in the storage business and licensed as a warehouse
2 operator under this Act.

3 A personal property warehouseman has authority to use the
4 services of warehouse representatives or warehouse brokers in
5 Illinois provided the names and addresses of such warehouse
6 representatives or warehouse brokers are listed on the license
7 application of the personal property warehouseman.

8 No person shall set himself out to be a warehouse
9 representative or a warehouse broker, or do business as such,
10 without first being so listed by a duly licensed warehouseman.
11 A warehouseman may, by giving written notice in duplicate to
12 the Commission ~~Department~~, amend his license application at any
13 time to add or delete the name or names of warehouse
14 representatives or warehouse brokers retained by him.

15 (Source: P.A. 77-1341.)

16 (240 ILCS 10/14) (from Ch. 111 2/3, par. 132)

17 Sec. 14. Authority of Commission staff ~~inspectors~~-Police
18 power.

19 Commission staff ~~Inspectors of the Department~~ have full
20 power and authority in the performance of their official duties
21 to enter into or upon any place, building or premises of any
22 warehouse at any reasonable time for the purpose of inspecting
23 such warehouse operating under this Act, and the books and
24 records of the operator thereof, or for the purpose of
25 obtaining any information pertaining to the manner in which

1 such warehouse business is being conducted. Any such Commission
2 staff inspector has the same powers as are now held by or
3 hereafter conferred upon, any regular law enforcement officer
4 to arrest, with or without formal warrant, any violator or
5 violators of this Act.

6 (Source: Laws 1967, p. 451.)

7 (240 ILCS 10/15) (from Ch. 111 2/3, par. 133)

8 Sec. 15. Interference with or impersonation of Commission
9 staff inspector.

10 No person shall in any way or manner obstruct, hinder or
11 molest any Commission staff member ~~warehouse inspector~~ in the
12 performance of his duties as required by this Act. It is
13 unlawful for any person to falsely represent that he is a
14 Commission staff member ~~warehouse inspector~~ or to falsely
15 represent that he is authorized to inspect warehouses on behalf
16 of the Commission Department, or to demand of any operator the
17 examination or production of the records of such operator
18 unless he is a duly authorized Commission staff member
19 ~~inspector of the Department~~.

20 (Source: Laws 1967, p. 451.)

21 (240 ILCS 10/15.5 new)

22 Sec. 15.5. Jurisdiction. The jurisdiction of the
23 Commission under this Act extends to personal property
24 warehouses, the operators of those warehouses, and to other

1 activities specifically set forth in this Act.

2 (240 ILCS 10/15.6 new)

3 Sec. 15.6. Enumeration of powers. The Commission has the
4 power to:

5 (1) Administer and enforce the provisions of this Act.

6 (2) Regulate the entry, exit, and services of personal
7 property warehouses and operators.

8 (3) Protect the public safety through insurance and safety
9 standards.

10 (4) Adopt appropriate rules setting forth the standards and
11 procedures by which it will administer and enforce this Act.

12 (5) Conduct hearings and investigations, on its own motion
13 or the motion of a person.

14 (6) Adjudicate disputes, hear complaints or other
15 petitions for relief, and settle those matters by stipulation
16 or agreement.

17 (7) Create special procedures for the receipt and handling
18 of consumer complaints.

19 (8) Employ such persons as are needed to administer and
20 enforce this Act, in such capacities as they are needed,
21 whether as hearings examiners, special examiners, enforcement
22 officers, investigators, or otherwise.

23 (9) Initiate and participate in proceedings in the federal
24 or State courts, and in proceedings before federal or other
25 State agencies, to the extent necessary to effectuate the

1 purposes of this Act, provided that participation in specific
2 proceedings is directed, in writing, by the Commission.

3 (240 ILCS 10/16) (from Ch. 111 2/3, par. 134)

4 Sec. 16. Rules and regulations.

5 The Commission ~~Department~~ has the authority to exercise
6 general supervision and regulation over all warehouses
7 included under this Act, and has authority to make all
8 necessary rules and regulations, and adopt forms of
9 application, bond, receipt, and such other forms as may be
10 required to effectuate the purposes of this Act.

11 (Source: Laws 1967, p. 451.)

12 (240 ILCS 10/17) (from Ch. 111 2/3, par. 135)

13 Sec. 17. Violations, Administrative Action and Review.

14 Violations of this Act shall be classified as follows:

15 (a) Category I Violations, which include:

16 (i) Technical violations causing no harm to persons or
17 property.

18 (ii) Prior practices or conditions that have been
19 voluntarily remedied.

20 Category I violations shall be handled by a warning notice
21 issued by the Commission ~~Department~~ to the warehouseman stating
22 that such practices shall not be allowed to recur. Receipt of
23 such notice shall be acknowledged by the warehouseman.

24 (b) Category II Violations, which include:

1 (i) Practices or conditions that if continued could cause
2 significant loss to depositors.

3 (ii) Practices or conditions that if continued could cause
4 serious hazard to public health or safety.

5 (iii) Operating a personal property warehouse without a
6 license.

7 The Commission ~~Department~~ may, upon its own motion and shall
8 upon the verified complaint in writing of any person setting
9 forth facts which if proved would constitute a Category II
10 violation, investigate the actions of any person or persons
11 operating a personal property warehouse. The Commission
12 ~~Department~~ shall issue a formal notice to the warehouse
13 operator that he is required to take proper and immediate steps
14 to correct the practices or conditions, and that failure to do
15 so could be cause for revocation of license and other legal
16 penalties as provided in this Act. The warehouse operator
17 shall, if he believes that the complaint is improper, unjust,
18 or unfounded, request a hearing which shall be set up in
19 conformance with established practice for Commission
20 administrative hearings. If the warehouse operator fails to
21 correct the alleged practices or conditions, or fails to
22 request a hearing within a stipulated time, his license shall
23 be revoked, and the Commission may impose civil penalties in
24 the amount provided under the Illinois Commercial
25 Transportation Law. The Commission ~~Department~~ may also seek
26 appropriate judicial action. In the case of practices or

1 conditions that constitute serious hazard to public health or
2 safety, the Commission ~~Department~~ shall cooperate with the
3 appropriate federal, state, and local agencies or authorities.

4 (c) Category III Violations, which include:

5 (i) Conversion of a depositor's goods to the warehouseman's
6 own use.

7 (ii) Practices or conditions that have caused significant
8 loss or damage to depositors.

9 The Commission ~~Department~~ may, upon its own motion and shall
10 upon the verified complaint in writing of any person setting
11 forth facts which if proved would constitute a Category III
12 violation, investigate the actions of any person or persons
13 operating a personal property warehouse. The Commission
14 ~~Department~~ shall issue a formal notice to the warehouse
15 operator that he is required to take proper and immediate steps
16 to correct the practices or conditions, and that failure to do
17 so will be cause for revocation of license and additional legal
18 penalties as provided in this Act. The warehouse operator
19 shall, if he believes that the alleged violation is unfounded,
20 request a hearing which shall be set up in conformance with
21 established practice for administrative hearings. If the
22 warehouse operator fails to correct the alleged practices or
23 conditions, or fails to request a hearing within a stipulated
24 time, the operator's license shall be revoked, and the
25 Commission may impose civil penalties in the amount provided
26 under the Illinois Commercial Transportation Law. The

1 Commission may also seek appropriate judicial action.

2 In connection with any investigation or hearing conducted
3 by the Commission ~~Department~~ under this Act, the Commission
4 ~~Department~~, over the signature of the Chairman of the
5 Commission ~~Director~~, is authorized to issue subpoenas and to
6 bring before the Commission ~~Department~~ any person or persons in
7 this State and to take testimony either orally or by deposition
8 or by exhibit. The Chairman of the Commission ~~Director~~ is
9 authorized to issue subpoenas for any or all documents relating
10 to complainant records. The Chairman of the Commission ~~Director~~
11 or his designee may administer oaths to witnesses at any
12 hearing which the Commission ~~Department~~ is authorized by law to
13 conduct.

14 The Illinois Administrative Procedure Act, as amended, and
15 the rules and regulations adopted thereunder shall apply to and
16 govern all administrative actions taken by the Commission
17 ~~Department~~, where applicable, unless otherwise prescribed by
18 this Act. Judicial review of final administrative decisions may
19 be had in accordance with the provisions of the Administrative
20 Review Law, as now or hereafter amended.

21 (Source: P.A. 83-1065.)

22 (240 ILCS 10/19) (from Ch. 111 2/3, par. 137)

23 Sec. 19. Penalty. Any person who engages in business as a
24 personal property warehouseman without securing a license or
25 who does not have a valid license, or who commits one or more

1 Category II or Category III violations of this Act, or who
2 shall impede, obstruct, hinder or otherwise prevent or attempt
3 to prevent the Commission ~~Director or his duly authorized agent~~
4 in the performance of its ~~his~~ duty in connection with this Act,
5 or who refuses to permit inspection of his premises or records
6 as provided in this Act shall be guilty of a Class B
7 misdemeanor for the first violation, and be guilty of a Class A
8 misdemeanor for each subsequent violation. In addition, the
9 Commission may impose civil penalties in the amount provided
10 under the Illinois Commercial Transportation Law. In case of a
11 continuing violation or violations, each day that each
12 violation occurs constitutes a separate and distinct offense.

13 It shall be the duty of each State's Attorney to whom any
14 violation is reported to cause appropriate proceedings to be
15 instituted and prosecuted in the circuit court without delay,
16 provided that the Commission ~~Director~~ has previously given the
17 warehouseman involved an administrative hearing as provided
18 for in this Act.

19 The Commission ~~Director~~ may apply for and the circuit court
20 may grant a temporary restraining order or preliminary or
21 permanent injunction restraining any person from committing or
22 continuing to commit a Category II or III violation.

23 (Source: P.A. 83-1065.)

24 (240 ILCS 10/19.5 new)

25 Sec. 19.5. Disposition of funds. All fees and fines

1 collected by the Commission under this Act shall be paid into
2 the Transportation Regulatory Fund in the State treasury. The
3 money in that fund may be used to defray the expenses of the
4 administration of this Act.

5 (240 ILCS 10/20) (from Ch. 111 2/3, par. 138)

6 Sec. 20. Power to enforce.

7 The Commission ~~Department~~ has full power and authority to
8 carry out this Act.

9 (Source: Laws 1967, p. 451.)

10 (240 ILCS 10/20.1 new)

11 Sec. 20.1. Grandfathered rules. Rules promulgated by the
12 Illinois Department of Agriculture under this Act shall remain
13 valid until amended or repealed by the Commission. All
14 references in those rules to the "Department" shall, on and
15 after the effective date of this amendatory Act of the 96th
16 General Assembly, be deemed references to the "Commission". All
17 references in those rules to the "Director" shall, on and after
18 the effective date of this amendatory Act of the 96th General
19 Assembly, be deemed references to the "Executive Director of
20 the Commission.

21 (240 ILCS 10/20.2 new)

22 Sec. 20.2. Applicability of Illinois Commercial
23 Transportation Law. Except as provided elsewhere in this Act,

1 Subchapter I, Articles II, III, V, VI, & VII, and Subchapter II
2 of the Illinois Commercial Transportation Law apply to the
3 Commission in the administration and enforcement of this Act.

4 Section 10. The Illinois Vehicle Code is amended by
5 changing Section 18c-1603 as follows:

6 (625 ILCS 5/18c-1603) (from Ch. 95 1/2, par. 18c-1603)

7 Sec. 18c-1603. Expenditures from the Transportation
8 Regulatory Fund.

9 (1) Authorization of Expenditures from the Fund. Monies
10 deposited in the Transportation Regulatory Fund shall be
11 expended only for the administration and enforcement of this
12 Chapter and Chapter 18a. Moneys in the Fund may also be used to
13 administer the Personal Property Storage Act.

14 (2) Allocation of Expenses to the Fund.

15 (a) Expenses Allocated Entirely to the Transportation
16 Regulatory Fund. All expenses of the Transportation
17 Division shall be allocated to the Transportation
18 Regulatory Fund, provided that they were:

19 (i) Incurred by and for staff employed within the
20 Transportation Division and accountable, directly or
21 through a program director or staff supervisor, to the
22 Transportation Division manager;

23 (ii) Incurred exclusively in the administration
24 and enforcement of this Chapter and Chapter 18a; and

1 (iii) Authorized by the Transportation Division
2 manager.

3 (b) Expenses Partially Allocated to the Transportation
4 Regulatory Fund. A portion of expenses for the following
5 persons and activities may be allocated to the
6 Transportation Regulatory Fund:

7 (i) The Executive Director, his deputies and
8 personal assistants, and their clerical support;

9 (ii) The legislative liaison activities of the
10 Office of Legislative Affairs, its constituent
11 elements and successors;

12 (iii) The activities of the Bureau of Planning and
13 Operations on the effective date of this amendatory Act
14 of the 94th General Assembly, exclusive of the Chief
15 Clerk's office;

16 (iv) The payroll expenses of Commissioners'
17 assistants;

18 (v) The internal auditor;

19 (vi) The in-state travel expenses of the
20 Commissioners to and from the offices of the
21 Commission; and

22 (vii) The Public Affairs Group, its constituent
23 elements, and its successors.

24 (c) Allocation Methodology for Expenses Other Than
25 Commissioners' Assistants. The portion of total expenses
26 (other than commissioners' assistants' expenses) allocated

1 to the Transportation Regulatory Fund under paragraph (b)
2 of this subsection shall be the portion of staff time spent
3 exclusively on administration and enforcement of this
4 Chapter and Chapter 18a, as shown by a time study updated
5 at least once each 6 months.

6 (d) (Blank).

7 (e) Allocation methodology for Commissioners'
8 Assistants Expenses. Five percent of the payroll expenses
9 of commissioners' assistants may be allocated to the
10 Transportation Regulatory Fund.

11 (f) Expenses not allocable to the Transportation
12 Regulatory Fund. No expenses shall be allocated to or paid
13 from the Transportation Regulatory Fund except as
14 expressly authorized in paragraphs (a) through (e) of this
15 subsection. In particular, no expenses shall be allocated
16 to the Fund which were incurred by or in relation to the
17 following persons and activities:

18 (i) Commissioners' travel, except as otherwise
19 provided in paragraphs (b) and (c) of this subsection;

20 (ii) Commissioners' assistants except as otherwise
21 provided in paragraphs (b) and (e) of this subsection;

22 (iii) The Policy Analysis and Research Division,
23 its constituent elements and successors;

24 (iv) The Chief Clerk's office, its constituent
25 elements and successors;

26 (v) The Hearing Examiners Division, its

1 constituent elements and successors, and any hearing
2 examiners or hearings conducted, in whole or in part,
3 outside the Transportation Division;

4 (vi) (Blank);

5 (vii) The Office of General Counsel, its
6 constituent elements and successors, including but not
7 limited to the Office of Public Utility Counsel and any
8 legal staff in the office of the executive director,
9 but not including the personal assistant serving as
10 staff counsel to the executive director as provided in
11 Section 18c-1204(2) and the Office of Transportation
12 Counsel; and

13 (viii) Any other expenses or portion thereof not
14 expressly authorized in this subsection to be
15 allocated to the Fund.

16 The constituent elements of the foregoing shall, for
17 purposes of this Section be their constituent elements on
18 the effective date of this amendatory Act of 1987.

19 (3) (Blank).

20 (4) (Blank).

21 (Source: P.A. 94-839, eff. 6-6-06.)

22 Section 99. Effective date. This Act takes effect January
23 1, 2010."