



Rep. Monique D. Davis

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09600SB1402ham004

LRB096 08920 ASK 41273 a

1 AMENDMENT TO SENATE BILL 1402

2 AMENDMENT NO. _____. Amend Senate Bill 1402, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Cemetery Oversight Act is amended by
6 changing Sections 5-20, 15-5, 15-15, and 75-55 and by adding
7 Sections 15-20 and 15-30 as follows:

8 (225 ILCS 411/5-20)

9 (Section scheduled to be repealed on January 1, 2021)

10 Sec. 5-20. Exemptions.

11 (a) Notwithstanding any provision of law to the contrary,
12 this Act does not apply to (1) any cemetery authority operating
13 as a family burying ground, (2) any cemetery authority that has
14 not engaged in an interment, inurnment, or entombment of human
15 remains within the last 10 years and does not accept or
16 maintain care funds, or (3) any cemetery authority that is less

1 than 2 acres and does not accept or maintain care funds. For
2 purposes of determining the applicability of this subsection,
3 the number of interments, inurnments, and entombments shall be
4 aggregated for each calendar year. A cemetery authority
5 claiming a full exemption shall apply for exempt status as
6 provided for in Section 10-20 ~~Article 10~~ of this Act. A
7 cemetery authority that performs activities that would
8 disqualify it from a full exemption is required to apply for
9 licensure within one year following the date on which its
10 activities would disqualify it for a full exemption. A cemetery
11 authority that previously qualified for and maintained a full
12 exemption that fails to timely apply for licensure shall be
13 deemed to have engaged in unlicensed practice and shall be
14 subject to discipline in accordance with Article 25 of this
15 Act.

16 (b) ~~A Notwithstanding any provision of law to the contrary,~~
17 ~~a~~ cemetery authority that does not qualify for a full exemption
18 ~~and that is operating as a cemetery authority~~ (i) ~~that~~ engages
19 in 25 or fewer interments, inurnments, or entombments of human
20 remains for each of the preceding 2 calendar years and does not
21 accept or maintain care funds, (ii) operates ~~that is operating~~
22 as a public cemetery, or (iii) operates ~~that is operating~~ as a
23 religious cemetery is exempt from this Act, but is required to
24 comply with Section 10-23, subsections (a), (b), (b-5), (c),
25 and (d) of Section 20-5, ~~Sections 20-5(a), 20-5(b), 20-5(b-5),~~
26 ~~20-5(e), 20-5(d),~~ 20-6, 20-8, 20-10, 20-11, 20-12, 20-30, 25-3,

1 and 25-120, and Article 35 of this Act.

2 A cemetery authority that (i) does not qualify for a full
3 exemption, (ii) operates as a public cemetery or religious
4 cemetery, and (iii) holds care funds shall also comply with
5 subsections (a), (b), (c), and (d) of Section 15-5, subsections
6 (c-5) and (f) of Section 15-15, and Sections 15-20, 15-25, and
7 15-30 of this Act.

8 Cemetery authorities claiming a partial exemption shall
9 apply for the partial exemption as provided in Section 10-20
10 ~~Article 10~~ of this Act. A cemetery authority that changes to a
11 status that would disqualify it from a partial exemption is
12 required to apply for licensure within one year following the
13 date on which it changes its status. A cemetery authority that
14 maintains a partial exemption that fails to timely apply for
15 licensure shall be deemed to have engaged in unlicensed
16 practice and shall be subject to discipline in accordance with
17 Article 25 of this Act.

18 (c) Nothing in this Act applies to the City of Chicago in
19 its exercise of its powers under the O'Hare Modernization Act
20 or limits the authority of the City of Chicago to acquire
21 property or otherwise exercise its powers under the O'Hare
22 Modernization Act, or requires the City of Chicago, or any
23 person acting on behalf of the City of Chicago, to comply with
24 the licensing, regulation, investigation, or mediation
25 requirements of this Act in exercising its powers under the
26 O'Hare Modernization Act.

1 (Source: P.A. 96-863, eff. 3-1-10.)

2 (225 ILCS 411/15-5)

3 (Section scheduled to be repealed on January 1, 2021)

4 Sec. 15-5. Gifts and contributions; trust funds.

5 (a) A ~~licensed~~ cemetery authority is hereby authorized and
6 empowered to accept any gift, grant, contribution, payment,
7 legacy, or pursuant to contract, any sum of money, funds,
8 securities, or property of any kind, or the income or avails
9 thereof, and to establish a trust fund to hold the same in
10 perpetuity for the care of its cemetery, or for the care of any
11 lot, grave, crypt, or niche in its cemetery, or for the special
12 care of any lot, grave, crypt, or niche or of any family
13 mausoleum or memorial, marker, or monument in its cemetery.

14 (a-5) For licensed cemetery authorities accepting care
15 funds, not ~~Not~~ less than the following amounts will be set
16 aside and deposited in trust:

17 (1) For interment rights, \$1 per square foot of the
18 space sold or 15% of the sales price or imputed value,
19 whichever is the greater, with a minimum of \$25 for each
20 individual interment right.

21 (2) For entombment rights, not less than 10% of the
22 sales price or imputed value with a minimum of \$25 for each
23 individual entombment right.

24 (3) For inurnment rights, not less than 10% of the
25 sales price or imputed value with a minimum of \$15 for each

1 individual inurnment right.

2 (4) For any transfer of interment rights, entombment
3 rights, or inurnment rights recorded in the records of the
4 cemetery authority, a minimum of \$25 for each such right
5 transferred. This does not apply to transfers between a
6 transferor and his or her spouse, parents, grandparents,
7 children, grandchildren, or siblings.

8 (5) ~~For Upon~~ an interment, entombment, or inurnment in
9 a grave, crypt, or niche in which rights of interment,
10 entombment, or inurnment were originally acquired from a
11 cemetery authority prior to January 1, 1948, a minimum of
12 \$25 for each such right exercised.

13 (6) For an interment, entombment, or inurnment in a
14 grave, crypt, or niche in which the rights of interment,
15 entombment, or inurnment were originally acquired from a
16 cemetery authority prior to the creation of the cemetery's
17 care fund, a minimum of \$25 for each such right exercised
18 on or after the date of the creation of the cemetery's care
19 fund.

20 (7) For the special care of any lot, grave, crypt, or
21 niche or of a family mausoleum, memorial, marker, or
22 monument, the full amount received.

23 (b) The cemetery authority shall act as trustee of all
24 amounts received for care unless and until they have been
25 deposited with a corporate fiduciary as defined in Section
26 1-5.05 of the Corporate Fiduciary Act. A licensed cemetery

1 authority may continue to be the trustee of care funds that
2 have been deposited into its trust fund up to an amount as set
3 by rule, but the licensed cemetery authority must retain an
4 independent trustee for any amount of care funds held in trust
5 in excess of that amount. All trust deposits shall be made
6 within 30 days after receipt.

7 (c) No gift, grant, legacy, payment, or other contribution
8 shall be invalid by reason of any indefiniteness or uncertainty
9 as to the beneficiary designated in the instrument creating the
10 gift, grant, legacy, payment, or other contribution. If any
11 gift, grant, legacy, payment, or other contribution consists of
12 non-income producing property, then the cemetery authority
13 accepting it is authorized and empowered to sell such property
14 and to invest the funds obtained in accordance with subsection
15 (d) of this Section.

16 (d) The care funds authorized by this Section and provided
17 for in this Article shall be held intact and, unless otherwise
18 restricted by the terms of the gift, grant, legacy,
19 contribution, payment, contract, or other payment, as to
20 investments made after June 11, 1951, the trustee of the care
21 funds of the cemetery authority, in acquiring, investing,
22 reinvesting, exchanging, retaining, selling, and managing
23 property for any such trust, shall act in accordance with the
24 duties for trustees set forth in the Illinois Trusts and
25 Trustees Act. Within the limitations of the foregoing standard,
26 the trustee of the care funds of the cemetery authority is

1 authorized to acquire and retain every kind of property, real,
2 personal, or mixed, and every kind of investment, including
3 specifically, but without limiting the generality of the
4 foregoing, bonds, debentures and other corporate obligations,
5 preferred or common stocks and real estate mortgages, which
6 persons of prudence, discretion, and intelligence acquire or
7 retain for their own account. Within the limitations of the
8 foregoing standard, the trustee is authorized to retain
9 property properly acquired, without limitation as to time and
10 without regard to its suitability for original purchase. The
11 care funds authorized by this Section may be commingled with
12 other trust funds received by such cemetery authority for the
13 care of its cemetery or for the care or special care of any
14 lot, grave, crypt, niche, private mausoleum, memorial, marker,
15 or monument in its cemetery, whether received by gift, grant,
16 legacy, contribution, payment, contract, or other conveyance
17 made to such cemetery authority. Such care funds may be
18 invested with common trust funds as provided in the Common
19 Trust Fund Act. The net income only from the investment of such
20 care funds shall be allocated and used for the purposes
21 specified in the transaction by which the principal was
22 established in the proportion that each contribution bears to
23 the entire sum invested.

24 (Source: P.A. 96-863, eff. 3-1-10.)

1 (Section scheduled to be repealed on January 1, 2021)

2 Sec. 15-15. Care funds; deposits; investments.

3 (a) Whenever a cemetery authority accepts care funds,
4 either in connection with the sale or giving away at an imputed
5 value of an interment right, entombment right, or inurnment
6 right, or in pursuance of a contract, or whenever, as a
7 condition precedent to the purchase or acceptance of an
8 interment right, entombment right, or inurnment right, such
9 cemetery authority shall establish a care fund or deposit the
10 funds in an already existing care fund.

11 (b) The cemetery authority shall execute and deliver to the
12 person from whom it received the care funds an instrument in
13 writing that shall specifically state: (i) the nature and
14 extent of the care to be furnished and (ii) that such care
15 shall be furnished only in so far as net income derived from
16 the amount deposited in trust will permit (the income from the
17 amount so deposited, less necessary expenditures of
18 administering the trust, shall be deemed the net income).

19 (c) The setting-aside and deposit of care funds shall be
20 made by such cemetery authority no later than 30 days after the
21 close of the month in which the cemetery authority gave away
22 for an imputed value or received the final payment on the
23 purchase price of interment rights, entombment rights, or
24 inurnment rights, or received the final payment for the general
25 or special care of a lot, grave, crypt, or niche or of a family
26 mausoleum, memorial, marker, or monument, and such amounts

1 shall be held by the trustee of the care funds of such cemetery
2 authority in trust and in perpetuity for the specific purposes
3 stated in the written instrument described in subsection (b).

4 (c-5) For all care funds received by a cemetery authority,
5 except for care funds received by a cemetery authority pursuant
6 to a specific gift, grant, contribution, payment, legacy, or
7 contract that are subject to investment restrictions more
8 restrictive than the investment provisions set forth in this
9 Act, and except for care funds otherwise subject to a trust
10 agreement executed by a person or persons responsible for
11 transferring the specific gift, grant, contribution, payment,
12 or legacy to the cemetery authority that contains investment
13 restrictions more restrictive than the investment provisions
14 set forth in this Act, the cemetery authority may, without the
15 necessity of having to obtain prior approval from any court in
16 this State, designate a new trustee in accordance with this Act
17 and invest the care funds in accordance with this Section,
18 notwithstanding any contrary limitation contained in the trust
19 agreement.

20 (d) Any cemetery authority engaged in selling or giving
21 away at an imputed value interment rights, entombment rights,
22 or inurnment rights, in conjunction with the selling or giving
23 away at an imputed value any other merchandise or services not
24 covered by this Act, shall be prohibited from increasing the
25 sales price or imputed value of those items not requiring a
26 care fund deposit under this Act with the purpose of allocating

1 a lesser sales price or imputed value to items that require a
2 care fund deposit.

3 (e) If any sale that requires a deposit to a cemetery
4 authority's care fund is made by a cemetery authority on an
5 installment basis, and the installment contract is factored,
6 discounted, or sold to a third party, then the cemetery
7 authority shall deposit the amount due to the care fund within
8 30 days after the close of the month in which the installment
9 contract was factored, discounted, or sold. If, subsequent to
10 such deposit, the purchaser defaults on the contract such that
11 no care fund deposit on that contract would have been required,
12 then the cemetery authority may apply the amount deposited as a
13 credit against future required deposits.

14 (f) The trust authorized by this Section shall be a single
15 purpose trust fund. In the event of the cemetery authority's
16 bankruptcy, insolvency, or assignment for the benefit of
17 creditors, or an adverse judgment, the trust funds shall not be
18 available to any creditor as assets of the cemetery authority
19 or to pay any expenses of any bankruptcy or similar proceeding,
20 but shall be retained intact to provide for the future
21 maintenance of the cemetery. Except in an action by the
22 Department to revoke a license issued pursuant to this Act and
23 for creation of a receivership as provided in this Act, the
24 trust shall not be subject to judgment, execution, garnishment,
25 attachment, or other seizure by process in bankruptcy or
26 otherwise, nor to sale, pledge, mortgage, or other alienation,

1 and shall not be assignable except as approved by the
2 Department.

3 (Source: P.A. 96-863, eff. 3-1-10.)

4 (225 ILCS 411/15-20 new)

5 (Section scheduled to be repealed on January 1, 2021)

6 Sec. 15-20. Use of care funds by a public cemetery. When
7 the State of Illinois or any county, city, village,
8 incorporated town, township, multi-township, public cemetery
9 district, or other municipal or political subdivision or
10 instrumentality thereof in Illinois takes over a cemetery or
11 cemetery authority, the care fund and care fund expenditures
12 continue to be subject to the provisions of this Act, and the
13 new public cemetery must continue to use the care fund
14 exclusively for the care and maintenance of the cemetery in
15 accordance with this Act.

16 (225 ILCS 411/15-30 new)

17 (Section scheduled to be repealed on January 1, 2021)

18 Sec. 15-30. Promises of perpetual care.

19 (a) Except as provided in subsection (b) of this Section,
20 no cemetery authority shall advertise, represent, guarantee,
21 promise, or enter into a contract to furnish any of the
22 following types of care for a cemetery, lot, grave, crypt,
23 niche, family mausoleum, memorial, marker, or monument:

24 (1) perpetual care,

- 1 (2) permanent care,
2 (3) perpetual or permanent maintenance,
3 (4) care forever,
4 (5) continuous care,
5 (6) eternal care,
6 (7) everlasting care,
7 (8) care for any number of years, or
8 (9) any similar or equivalent care.

9 (b) A cemetery authority may advertise, represent,
10 guarantee, promise, or enter a contract to furnish care as
11 described in items (1) through (9) of subsection (a) if:

12 (1) the care is furnished solely from the net income
13 derived from funds held in trust as provided in Article 15
14 of this Act; or

15 (2) the contract provides that the principal of the
16 amount paid under the contract shall be used to furnish the
17 care and specifies the type of care and the number of years
18 for which it is to be given.

19 (225 ILCS 411/75-55)

20 (Section scheduled to be repealed on January 1, 2021)

21 Sec. 75-55. Transition.

22 (a) Within 60 days after the effective date of this Act,
23 the Comptroller shall provide the Department copies of records
24 in the Comptroller's possession pertaining to the Cemetery Care
25 Act and the Crematory Regulation Act that are necessary for the

1 Department's immediate responsibilities under this Act. All
2 other records pertaining to the Cemetery Care Act and the
3 Crematory Regulation Act shall be transferred to the Department
4 by March 1, 2012. In the case of records that pertain both to
5 the administration of the Cemetery Care Act or the Crematory
6 Regulation Act and to a function retained by the Comptroller,
7 the Comptroller, in consultation with the Department, shall
8 determine, within 60 days after the repeal of the Cemetery Care
9 Act, whether the records shall be transferred, copied, or left
10 with the Comptroller; until this determination has been made
11 the transfer shall not occur.

12 (b) A person licensed under one of the Acts listed in
13 subsection (a) of this Section or regulated under the Cemetery
14 Association Act shall continue to comply with the provisions of
15 those Acts until such time as the person is licensed under this
16 Act or those Acts are repealed or the amendatory changes made
17 by this amendatory Act of the 96th General Assembly take
18 effect, as the case may be, whichever is earlier.

19 (c) To support the costs that may be associated with
20 implementing and maintaining a licensure and regulatory
21 process for the licensure and regulation of cemetery
22 authorities, cemetery managers, customer service employees,
23 and cemetery workers, all cemetery authorities that do not
24 qualify for ~~not maintaining~~ a full exemption or partial
25 exemption shall pay the following to the Department:

26 (1) by the first day of fifth full calendar month after

1 the effective date of this amendatory Act of the 96th
2 General Assembly, a one-time fee of \$20 for each cemetery
3 authority license to the Department plus a fee of \$5 per
4 interment, inurnment, or entombment performed between and
5 including the first day of the first full calendar month
6 after the effective date of this amendatory Act and the
7 last day of the third full calendar month after the
8 effective date of this amendatory Act of the 96th General
9 Assembly; and

10 (2) by the first day of eighth full calendar month
11 after the effective date of this amendatory Act of the 96th
12 General Assembly, a fee of \$5 per interment, inurnment, or
13 entombment performed between and including the first day of
14 the fourth full calendar month after the effective date of
15 this amendatory Act and the last day of the sixth full
16 calendar month after the effective date of this amendatory
17 Act of the 96th General Assembly; and

18 (3) by July 1 of each year, beginning on July 1, 2012,
19 a fee of \$2 per interment, inurnment, or entombment
20 performed during the preceding calendar year ~~an additional~~
21 charge of \$1 per burial unit per year within the cemetery.

22 The Department may establish forms for the collection of
23 the fee established under this subsection (c) and shall deposit
24 such fee into the Cemetery Oversight Licensing and Disciplinary
25 Fund. The Department may begin to collect the aforementioned
26 fee after the effective date of this Act. In addition, the

1 Department may establish rules for the collection process,
2 which may include, but shall not be limited to, dates, forms,
3 enforcement, or other procedures necessary for the effective
4 collection, deposit, and overall process regarding this
5 Section.

6 (d) Any cemetery authority that fails to pay to the
7 Department the required fee or submits the incorrect amount
8 shall be subject to the penalties provided for in Section
9 25-110 of this Act.

10 (e) Except as otherwise specifically provided, all fees,
11 fines, penalties, or other moneys received or collected
12 pursuant to this Act shall be deposited in the Cemetery
13 Oversight Licensing and Disciplinary Fund.

14 (f) All proportionate funds held in the Comptroller's
15 Administrative Fund related to unexpended moneys collected
16 under the Cemetery Care Act and the Crematory Regulation Act
17 shall be transferred to the Cemetery Oversight Licensing and
18 Disciplinary Fund within 60 days after the effective date of
19 the repeal of the Cemetery Care Act.

20 (g) Personnel employed by the Comptroller on February 29,
21 2012, to perform the duties pertaining to the administration of
22 the Cemetery Care Act and the Crematory Regulation Act, are
23 transferred to the Department on March 1, 2012.

24 The rights of State employees, the State, and its agencies
25 under the Comptroller Merit Employment Code and applicable
26 collective bargaining agreements and retirement plans are not

1 affected under this Act, except that all positions transferred
2 to the Department shall be subject to the Personnel Code
3 effective March 1, 2012.

4 All transferred employees who are members of collective
5 bargaining units shall retain their seniority, continuous
6 service, salary, and accrued benefits. During the pendency of
7 the existing collective bargaining agreement, the rights
8 provided for under that agreement shall not be abridged.

9 The Department shall continue to honor during their
10 pendency all bargaining agreements in effect at the time of the
11 transfer and to recognize all collective bargaining
12 representatives for the employees who perform or will perform
13 functions transferred by this Act. For all purposes with
14 respect to the management of the existing agreement and the
15 negotiation and management of any successor agreements, the
16 Department shall be deemed the employer of employees who
17 perform or will perform functions transferred to the Department
18 by this Act.

19 (Source: P.A. 96-863, eff. 3-1-10.)

20 Section 10. The Crematory Regulation Act is amended by
21 changing Sections 11 and 13 as follows:

22 (410 ILCS 18/11)

23 (Text of Section before amendment by P.A. 96-863)

24 (Section scheduled to be repealed on January 1, 2021)

1 Sec. 11. Grounds for refusal of license or suspension or
2 revocation of license.

3 (a) In this Section, "applicant" means a person who has
4 applied for a license under this Act.

5 (b) The Comptroller may refuse to issue a license under
6 this Act, or may suspend or revoke a license issued under this
7 Act, on any of the following grounds:

8 (1) The applicant or licensee has made any
9 misrepresentation or false statement or concealed any
10 material fact in connection with a license application or
11 licensure under this Act.

12 (2) The applicant or licensee has been engaged in
13 business practices that work a fraud.

14 (3) The applicant or licensee has refused to give
15 information required under this Act to be disclosed to the
16 Comptroller.

17 (4) The applicant or licensee has conducted or is about
18 to conduct cremation business in a fraudulent manner.

19 (5) As to any individual listed in the license
20 application as required under Section 10, that individual
21 has conducted or is about to conduct any cremation business
22 on behalf of the applicant in a fraudulent manner or has
23 been convicted of any felony or misdemeanor an essential
24 element of which is fraud.

25 (6) The applicant or licensee has failed to make the
26 annual report required by this Act or to comply with a

1 final order, decision, or finding of the Comptroller made
2 under this Act.

3 (7) The applicant or licensee, including any member,
4 officer, or director of the applicant or licensee if the
5 applicant or licensee is a firm, partnership, association,
6 or corporation and including any shareholder holding more
7 than 25% of the corporate stock of the applicant or
8 licensee, has violated any provision of this Act or any
9 regulation or order made by the Comptroller under this Act.

10 (8) The Comptroller finds any fact or condition
11 existing that, if it had existed at the time of the
12 original application for a license under this Act, would
13 have warranted the Comptroller in refusing the issuance of
14 the license.

15 (Source: P.A. 92-675, eff. 7-1-03.)

16 (Text of Section after amendment by P.A. 96-863)

17 (Section scheduled to be repealed on January 1, 2021)

18 Sec. 11. Grounds for denial or discipline.

19 (a) In this Section, "applicant" means a person who has
20 applied for a license under this Act including those persons
21 whose names are listed on a license application in Section 10
22 of this Act.

23 (b) The Department may refuse to issue a license, place on
24 probation, reprimand, or take other disciplinary action that
25 the Department may deem appropriate, including imposing fines

1 not to exceed \$10,000 for each violation, with regard to any
2 license under this Act, or may suspend or revoke a license
3 issued under this Act, on any of the following grounds:

4 (1) The applicant or licensee has made any
5 misrepresentation or false statement or concealed any
6 material fact in furnishing information to the Department.

7 (2) The applicant or licensee has been engaged in
8 business practices that work a fraud.

9 (3) The applicant or licensee has refused to give
10 information required under this Act to be disclosed to the
11 Department or failing, within 30 days, to provide
12 information in response to a written request made by the
13 Department.

14 (4) Engaging in dishonorable, unethical, or
15 unprofessional conduct of a character likely to deceive,
16 defraud, or harm the public.

17 (5) As to any individual listed in the license
18 application as required under Section 10, that individual
19 has conducted or is about to conduct any cremation business
20 on behalf of the applicant in a fraudulent manner or has
21 been convicted of any felony or misdemeanor an essential
22 element of which is fraud.

23 (6) The applicant or licensee has failed to make the
24 annual report required by this Act or to comply with a
25 final order, decision, or finding of the Department made
26 under this Act.

1 (7) The applicant or licensee, including any member,
2 officer, or director of the applicant or licensee if the
3 applicant or licensee is a firm, partnership, association,
4 or corporation and including any shareholder holding more
5 than 25% of the corporate stock of the applicant or
6 licensee, has violated any provision of this Act or any
7 regulation or order made by the Department under this Act.

8 (8) The Department finds any fact or condition existing
9 that, if it had existed at the time of the original
10 application for a license under this Act, would have
11 warranted the Department ~~Comptroller~~ in refusing the
12 issuance of the license.

13 (9) Any violation of this Act or of the rules adopted
14 under this Act.

15 (10) Incompetence.

16 (11) Gross malpractice.

17 (12) Discipline by another state, District of
18 Columbia, territory, or foreign nation, if at least one of
19 the grounds for the discipline is the same or substantially
20 equivalent to those set forth in this Section.

21 (13) Directly or indirectly giving to or receiving from
22 any person, firm, corporation, partnership, or association
23 any fee, commission, rebate, or other form of compensation
24 for professional services not actually or personally
25 rendered.

26 (14) A finding by the Department that the licensee,

1 after having its license placed on probationary status, has
2 violated the terms of probation.

3 (15) Willfully making or filing false records or
4 reports, including, but not limited to, false records filed
5 with State agencies or departments.

6 (16) Gross, willful, or continued overcharging for
7 professional services, including filing false statements
8 for collection of fees for which services are not rendered.

9 (17) Practicing under a false or, except as provided by
10 law, an assumed name.

11 (18) Cheating on or attempting to subvert this Act's
12 licensing application process.

13 (Source: P.A. 96-863, eff. 3-1-12.)

14 (410 ILCS 18/13)

15 (Text of Section before amendment by P.A. 96-863)

16 (Section scheduled to be repealed on January 1, 2021)

17 Sec. 13. License; display; transfer; duration.

18 (a) Every license issued under this Act must state the
19 number of the license, the business name and address of the
20 licensee's principal place of business, and the licensee's
21 parent company, if any. The license must be conspicuously
22 posted in the place of business operating under the license.

23 (b) No license is transferable or assignable without the
24 express written consent of the Comptroller. A transfer of more
25 than 50% of the ownership of any business licensed under this

1 Act shall be deemed to be an attempted assignment of the
2 license originally issued to the licensee for whom consent of
3 the Comptroller is required.

4 (c) Every license issued under this Act shall remain in
5 force until it has been surrendered, suspended, or revoked in
6 accordance with this Act. Upon the request of an interested
7 person or on the Comptroller's own motion, the Comptroller may
8 issue a new license to a licensee whose license has been
9 revoked under this Act if no factor or condition then exists
10 which would have warranted the Comptroller in originally
11 refusing the issuance of the license.

12 (Source: P.A. 92-675, eff. 7-1-03.)

13 (Text of Section after amendment by P.A. 96-863)

14 (Section scheduled to be repealed on January 1, 2021)

15 Sec. 13. License; display; transfer; duration.

16 (a) Every license issued under this Act must state the
17 number of the license, the business name and address of the
18 licensee's principal place of business, and the licensee's
19 parent company, if any. The license must be conspicuously
20 posted in the place of business operating under the license.

21 (b) After initial licensure, if any person comes to obtain
22 at least 51% ~~25%~~ of the ownership over the licensed crematory
23 authority, then the crematory authority shall have to apply for
24 a new license and receive licensure in the required time as set
25 out by rule.

1 (c) Every license issued under this Act shall remain in
2 force until it has been surrendered, suspended, or revoked in
3 accordance with this Act. Upon the request of an interested
4 person or on the Department's own motion, the Department may
5 issue a new license to a licensee whose license has been
6 revoked under this Act if no factor or condition then exists
7 which would have warranted the Department in originally
8 refusing the issuance of the license.

9 (Source: P.A. 96-863, eff. 3-1-12.)

10 Section 20. The Cemetery Protection Act is amended by
11 changing Section .01 as follows:

12 (765 ILCS 835/.01) (from Ch. 21, par. 14.01)

13 Sec. .01. For the purposes of this Act, the term:

14 "Cemetery authority" means an individual or legal entity
15 that owns or controls cemetery lands or property as further
16 defined in the Cemetery Oversight Act.

17 "Cemetery manager" means an individual who is engaged in,
18 or holding himself or herself out as engaged in, those
19 activities involved in or incidental to supervising the
20 following: the maintenance, operation, development, or
21 improvement of a cemetery licensed under this Act; the
22 interment of human remains; or the care, preservation, and
23 embellishment of cemetery property. This definition also
24 includes, without limitation, an individual that is an

1 independent contractor or individuals employed or contracted
2 by an independent contractor who is engaged in, or holding
3 himself or herself out as engaged in, those activities involved
4 in or incidental to supervising the following: the maintenance,
5 operation, development, or improvement of a cemetery licensed
6 under this Act; the interment of human remains; or the care,
7 preservation, and embellishment of cemetery property.

8 "Community mausoleum" means a mausoleum owned and operated
9 by a cemetery authority that contains multiple entombment
10 rights sold to the public.

11 (Source: P.A. 96-863, eff. 3-1-10.)

12 Section 95. No acceleration or delay. Where this Act makes
13 changes in a statute that is represented in this Act by text
14 that is not yet or no longer in effect (for example, a Section
15 represented by multiple versions), the use of that text does
16 not accelerate or delay the taking effect of (i) the changes
17 made by this Act or (ii) provisions derived from any other
18 Public Act.

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