

1 AN ACT concerning regulation.

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

4 Section 1. Short title. This Act may be cited as the
5 Collateral Recovery Act.

6 Section 5. Findings; purpose. The General Assembly finds
7 that collateral recovery practices affect public health,
8 safety, and welfare and declares that the purpose of this Act
9 is to regulate individuals and entities engaged in the business
10 of collateral recovery for the protection of the public.

11 Section 10. Definitions. In this Act:

12 "Assignment" means a written authorization by a legal
13 owner, lien holder, lessor, lessee, or licensed repossession
14 agency authorized by a legal owner, lien holder, lessor or
15 lessee to locate or repossess, involuntarily or voluntarily,
16 any collateral, including, but not limited to, collateral
17 registered under the Illinois Vehicle Code that is subject to a
18 security agreement that contains a repossession clause or is
19 the subject of a rental or lease agreement.

20 "Assignment" also means a written authorization by an
21 employer to recover any collateral entrusted to an employee or
22 former employee if the possessor is wrongfully in the

1 possession of the collateral. A photocopy, facsimile copy, or
2 electronic copy of an assignment shall have the same force and
3 effect as an original written assignment.

4 "Branch office" means each additional office and secured
5 storage facility location of a repossession agency (i) located
6 in and conducting business within the State of Illinois and
7 (ii) operating under the same name as the repossession agency
8 where business is actively conducted or is engaged in the
9 business authorized by the licensure. Each branch office must
10 be individually licensed.

11 "Collateral" means any vehicle, boat, recreational
12 vehicle, motor home, motorcycle, or other property that is
13 subject to a security, lease, or rental agreement.

14 "Commission" means the Illinois Commerce Commission.

15 "Debtor" means any person or entity obligated under a
16 lease, rental, or security agreement.

17 "Financial institution" means a bank, a licensee under the
18 Consumer Installment Loan Act, savings bank, savings and loan
19 association, or credit union organized and operating under the
20 laws of this or any other state or of the United States, and
21 any subsidiary or affiliate thereof.

22 "Legal owner" means a person holding (i) a security
23 interest in any collateral that is subject to a security
24 agreement, (ii) a lien against any collateral, or (iii) an
25 interest in any collateral that is subject to a lease or rental
26 agreement.

1 "Licensure" means the approval of the required criteria
2 that has been submitted for review in accordance with the
3 provisions of this Act.

4 "Licensed recovery manager" means a person who possesses a
5 valid license in accordance with the provisions of this Act and
6 is in control or management of an Illinois repossession agency.

7 "Personal effects" means any property contained within or
8 on repossessed collateral, or property that is not permanently
9 affixed to the collateral, that is not the property of the
10 legal owner.

11 "Recovery permit" means a permit issued by the Commission
12 to a repossession agency employee who has met all the
13 requirements under this Act.

14 "Recovery ticket" means a serialized record obtained from
15 the Commission for any repossessed vehicle or collateral
16 evidencing that any person, business, financial institution,
17 automotive dealership, or repossession agency who shows a
18 recovery ticket has paid the recovery ticket fee to the
19 Commission.

20 "Remote storage location" means a secured storage facility
21 of a licensed repossession agency designated for the storage of
22 collateral that is a secure building or has a perimeter that is
23 secured with a fencing construction that makes the area not
24 accessible to the public. A remote storage location shall not
25 transact business with the public and shall provide evidence of
26 applicable insurance to the Commission that specifies the

1 licensed repossession agency as the primary policy holder. A
2 remote storage location shall be located in a commercially
3 zoned area physically located in Illinois.

4 "Repossession agency" means any person or entity
5 conducting business within the State of Illinois, that, for any
6 type of consideration, engages in the business of, accepts
7 employment to furnish, or agrees to provide or provides
8 property locating services, property recovery, recovered
9 property transportation, recovered property storage, or all
10 services relevant to any of the following:

11 (1) The location, disposition, or recovery of property
12 as authorized by the self-help provisions of the Uniform
13 Commercial Code.

14 (2) The location, disposition, or recovery of lost or
15 stolen property.

16 (3) Securing evidence concerning repossession and
17 recovery to be used before any court, board, office, or
18 investigating committee.

19 (4) Inventory of property contained in or on the
20 collateral or recovered property.

21 (5) The possession of collateral.

22 (6) The prevention of the misappropriation or
23 concealment of chattel, vehicles, goods, objects,
24 documents, or papers.

25 "Repossession agency" does not include any of the
26 following:

1 (1) An attorney at law who is performing his or her
2 duties as an attorney at law.

3 (2) The legal owner of collateral that is subject to a
4 security agreement.

5 (3) An officer or employee of the United States of
6 America or of this State or a political subdivision of this
7 State while the officer or employee is engaged in the
8 performance of his or her official duties.

9 (4) A qualified license or recovery permit holder when
10 performing services for, or on behalf of, a licensed
11 repossession agency.

12 (5) A collection agency licensed under the Collection
13 Agency Act when its activities are limited to assisting an
14 owner in the recovery of property that is not collateral,
15 as defined in this Act.

16 "Repossession agency employee" means any person or
17 self-employed independent contractor who is hired by a
18 repossession agency.

19 "Secured storage facility" means an area located on the
20 same premises as a repossession agency office or branch office
21 that is designated for the storage of collateral and is a
22 secure building or has a perimeter that is secured with a
23 fencing construction that makes the area not accessible to the
24 public. Each repossession agency office or branch office must
25 maintain a secured storage facility.

26 "Security agreement" means an obligation, pledge,

1 mortgage, chattel mortgage, lease agreement, rental agreement,
2 deposit, or lien, given by a debtor as security for payment or
3 performance of his or her debt by furnishing the creditor with
4 a recourse to be used in case of failure in the principal
5 obligation. "Security agreement" includes a bailment where an
6 employer-employee relationship exists or existed between the
7 bailor and the bailee.

8 Section 15. Powers of the Commission.

9 (a) The Commission shall regulate repossession agencies
10 and their employees, managers or agents in accordance with this
11 Act, and to that end may establish reasonable requirements with
12 respect to proper service and practices relating thereto.

13 (b) The Commission shall have the following powers:

14 (1) To require that all employees, agents, or other
15 personnel used in repossession be employees, agents, or
16 personnel of a licensed repossession agency.

17 (2) To adopt reasonable and proper rules covering the
18 exercise of powers conferred upon it by this Act, and
19 reasonable rules governing investigations, hearings, and
20 proceedings under this Act.

21 (3) To adopt appropriate rules setting forth the
22 standards and procedures by which it will administer and
23 enforce this Act.

24 (4) To create special procedures for the receipt and
25 handling of consumer complaints.

1 (5) To employ such persons as are needed to administer
2 and enforce this Act, in such capacities as they are
3 needed, whether as hearing examiners, special examiners,
4 enforcement officers, investigators, or otherwise.

5 (c) The staff of the Commission shall have full power and
6 authority in the performance of their official duties to enter
7 into or upon any place, building, or premises of any
8 repossession agency location or branch office location at any
9 reasonable time for the purpose of inspecting such agency
10 operating under this Act. The Commission shall not set pricing
11 fees for repossessions, personal property storage, skip
12 tracing, or other related services provided by repossession
13 agencies to their clients.

14 Section 20. Rulemaking enforcement.

15 (a) The Commission may adopt any rules and procedures
16 necessary to enforce and administer the provisions of this Act.

17 (b) The Commission may, by administrative rule, modify any
18 rules or procedures or adjust any Commission fees necessary to
19 regulate and enforce the provisions of this Act.

20 Section 25. Recovery ticket.

21 (a) A licensed repossession agency must purchase a recovery
22 ticket from the Commission for each repossessed vehicle or
23 collateral. The recovery ticket must show all of the following
24 information:

1 (1) The date and time of the repossession.

2 (2) The Vehicle Identification Number (VIN), the make,
3 the model, and the year of the vehicle or collateral
4 repossessed.

5 (3) The agency name, the financial institution, and the
6 recovery permit number.

7 (4) The name and officer identification number of the
8 local law enforcement officer notified of the
9 repossession.

10 (b) The recovery ticket, or copy of the recovery ticket,
11 must be placed with the vehicle or collateral at the time of
12 repossession and must accompany the vehicle or collateral until
13 it has been liquidated or returned to the lien holder or
14 debtor. A copy of the recovery ticket must be kept for the
15 agency's permanent file for a period of 2 years following the
16 date of repossession. A copy of the recovery ticket must be
17 returned to the legal owner or financial institution within 72
18 hours following the date of repossession.

19 (c) A fee for the recovery ticket must be collected by the
20 Commission at the time of purchase. The cost for each recovery
21 ticket is \$10 and is nonrefundable. Recovery tickets must only
22 be sold in lots of 50 and 100. Only an Illinois licensed
23 repossession agency may purchase recovery tickets.

24 If a repossession agency's license is revoked by the
25 Commission, then the repossession agency must return any and
26 all unused recovery tickets to the Commission immediately upon

1 license revocation. No refund from the Commission shall be
2 issued for the return of unused recovery tickets.

3 (d) Any agency or employee found to be in possession of a
4 repossessed vehicle without having a valid recovery ticket is
5 in violation of this Act and therefore jeopardizing the license
6 of the employee or the agency that he or she is repossessing
7 for.

8 Section 30. License or registration required.

9 (a) It shall be unlawful for any person or entity to
10 repossess a vehicle or collateral in this State, attempt to
11 repossess a vehicle or collateral in this State, or to hold
12 himself, herself, or itself out to be a repossession agency
13 unless licensed under this Act.

14 (b) It shall be unlawful for any person to repossess a
15 vehicle or collateral in this State, attempt to repossess a
16 vehicle or collateral in this State, or to hold himself or
17 herself out to be a licensed recovery manager unless licensed
18 under this Act.

19 (c) It shall be unlawful for any person to repossess a
20 vehicle or collateral in this State, attempt to repossess a
21 vehicle or collateral in this State, or hold himself or herself
22 out to be a repossession agency employee unless he or she holds
23 a valid recovery permit issued by the Commission under this
24 Act.

25 (d) This Act does not apply to a financial institution or

1 the employee of a financial institution when engaged in an
2 activity otherwise covered by this Act if the activity is
3 conducted by the employee on behalf of that financial
4 institution.

5 (e) This Act does not apply to a towing company or towing
6 operator when an employee or agent of the creditor financial
7 institution is present at the site from which the vehicle is
8 towed.

9 Section 35. Application for repossession agency licensure.

10 (a) Application for original licensure as a repossession
11 agency shall be made to the Commission in writing on forms
12 prescribed by the Commission and shall be accompanied by the
13 appropriate documentation and the required fee, and the fee is
14 nonrefundable.

15 (b) Every application shall state, in addition to any other
16 requirements, (i) the name of the applicant, (ii) the name
17 under which the applicant shall do business, (iii) the proposed
18 location of the agency by number, street, and city, and (iv)
19 the proposed location of the agency's remote storage location
20 or locations by number, street, and city, (v) the proposed
21 location of the Agency's branch office or branch offices by
22 number, street, and city, and (vi) the usual business hours
23 that the agency shall maintain.

24 (c) No license may be issued (i) in any fictitious name
25 that may be confused with or is similar to any federal, state,

1 county, or municipal government function or agency, (ii) in any
2 name that may tend to describe any business function or
3 enterprise not actually engaged in by the applicant, (iii) in
4 any name that is the same as or similar to any existing
5 licensed company and that would tend to deceive the public,
6 (iv) in any name that would tend to be deceptive or misleading,
7 or (v) to any repossession agency applicant without that
8 agency's location or branch office location maintaining a
9 secured storage facility as defined in Section 10 of this Act.

10 (d) If the applicant for repossession agency licensure is
11 an individual, then his or her application shall include (i)
12 the full residential address of the applicant and (ii) either
13 the sworn statement of the applicant declaring that he or she
14 is the licensed recovery manager who shall be personally in
15 control of the agency for which the licensure is sought, or the
16 name and signed sworn statement of the licensed recovery
17 manager who shall be in control or management of the agency.

18 (e) If the applicant for repossession agency licensure is a
19 partnership, then the application shall include (i) a statement
20 of the names and full residential addresses of all partners in
21 the business and (ii) a sworn statement signed by each partner
22 verifying the name of the person who is a licensed recovery
23 manager and shall be in control or management of the business.
24 If a licensed recovery manager who is not a partner shall be in
25 control or management of the agency, then he or she must also
26 sign the sworn statement. The application shall also state

1 whether any of the partners has ever used an alias.

2 (f) If the applicant for licensure as a repossession agency
3 is a corporation, then the application shall include (i) the
4 names and full residential addresses of all corporation
5 officers and (ii) a sworn statement signed by a duly authorized
6 officer of the corporation verifying the name of the person who
7 is a licensed recovery manager and shall be in control or
8 management of the agency. If a licensed recovery manager who is
9 not an officer shall be in control or management of the agency,
10 then he or she must also sign the sworn statement. The
11 application shall also state whether any of the officers has
12 ever used an alias.

13 (g) If the applicant for licensure as a repossession agency
14 is a limited liability company, then the application shall
15 include (i) the names and full residential addresses of all
16 members and (ii) a sworn statement signed by each member
17 verifying the name of the person who is a licensed recovery
18 manager and shall be in control or management of the agency. If
19 a licensed recovery manager who is not a member shall be in
20 control or management of the agency, then he or she must also
21 sign the sworn statement. The application shall also state
22 whether any of the members has ever used an alias.

23 (h) Each individual, partner of a partnership, officer of a
24 corporation, or member of a limited liability company shall
25 submit with the application a copy of one form of personal
26 identification upon which must appear a photograph taken within

1 one year immediately preceding the date of the filing of the
2 application.

3 (i) No examination shall be required for licensure as a
4 repossession agency by the Commission.

5 (j) The Commission may require any additional information
6 that, in the judgment of the Commission, shall enable the
7 Commission to determine the qualifications of the applicant for
8 licensure.

9 (k) Applicants have 90 days from the date of application to
10 complete the application process. If the application has not
11 been completed within 90 days, then the application shall be
12 denied, the fee shall be forfeited, and the applicant must
13 reapply and meet the requirements in effect at the time of
14 reapplication.

15 (l) Nothing in this Section precludes a domestic or foreign
16 limited liability company being licensed as a repossession
17 agency.

18 (m) A repossession agency license may be transferable upon
19 prior notice to the Commission and upon completion of all
20 requirements relative to the application process for
21 repossession agency licensure.

22 (n) Repossessions performed in this State must be performed
23 by repossession agencies, their employees, or agents licensed
24 by the Commission, with the exception of financial institutions
25 or the employees of a financial institution that are exempt
26 under subsection (d) of Section 30 of this Act.

1 Section 37. Enforcement. It shall be unlawful for any
2 repossession agency, employee, or agent of a repossession
3 agency to operate in this State without a valid license or
4 recovery permit issued by the Commission. It shall be unlawful
5 for any person or entity to repossess a vehicle or collateral
6 in the State without a recovery ticket issued by the
7 Commission. The Commission may, at any time during the term of
8 the license, make inquiry into the licensee's management or
9 conduct of business to determine compliance with the provisions
10 of this Act or the rules adopted pursuant to this Act. State,
11 county, and local municipalities shall work in conjunction with
12 the Commission in the enforcement of this Act.

13 Section 40. Qualifications for recovery manager;
14 identification card.

15 (a) An applicant is qualified for licensure as a recovery
16 manager if that person meets all of the following requirements:

17 (1) Is 21 years of age or older.

18 (2) Has not been convicted in any jurisdiction of any
19 felony or at least 10 years has passed from the time of
20 discharge from any sentence imposed for a felony.

21 (3) Has completed no less than 2,500 hours of actual
22 compensated collateral recovery work as an employee of a
23 repossession agency, a financial institution, or a vehicle
24 dealer within the 5 years immediately preceding the filing

1 of an application, acceptable proof of which must be
2 submitted to the Commission.

3 (4) Has submitted to the Commission 2 sets of
4 fingerprints, which shall be checked against the
5 fingerprint records on file with the Illinois State Police
6 and the Federal Bureau of Investigation in the manner set
7 forth in Section 60 of this Act.

8 (5) Has successfully completed a certification program
9 approved by the Commission.

10 (6) Has paid the required application fees.

11 (b) Upon the issuance of a recovery manager license, the
12 Commission shall issue the license holder a suitable pocket
13 identification card that shall include a photograph of the
14 license holder. The identification card must contain the name
15 of the license holder and any other information required by the
16 Commission.

17 (c) A recovery manager license is not transferable.

18 Section 45. Repossession agency employee requirements.

19 (a) All employees of a licensed repossession agency whose
20 duties include the actual repossession of collateral must apply
21 for a recovery permit. The holder of a repossession agency
22 license issued under this Act, known in this Section as the
23 "employer", may employ in the conduct of the business under the
24 following provisions:

25 (1) No person may be issued a recovery permit who meets

1 any of the following criteria:

2 (A) Is younger than 21 years of age.

3 (B) Has been determined by the Commission to be
4 unfit by reason of conviction of an offense in this or
5 another state, other than a minor traffic offense. The
6 Commission shall adopt rules for making those
7 determinations.

8 (C) Has had a license or recovery permit denied,
9 suspended, or revoked under this Act.

10 (D) Has not successfully completed a certification
11 program approved by the Commission.

12 (2) No person may be employed by a repossession agency
13 under this Section until he or she has executed and
14 furnished to the Commission, on forms furnished by the
15 Commission, a verified statement to be known as an
16 "Employee's Statement" setting forth all of the following:

17 (A) The person's full name, age, and residence
18 address.

19 (B) The business or occupation engaged in for the 5
20 years immediately before the date of the execution of
21 the statement, the place where the business or
22 occupation was engaged in, and the names of the
23 employers, if any.

24 (C) That the person has not had a license or
25 recovery permit denied, revoked, or suspended under
26 this Act.

1 (D) Any conviction of a felony, except as provided
2 for in Section 85.

3 (E) Any other information as may be required by any
4 rule of the Commission to show the good character,
5 competency, and integrity of the person executing the
6 statement.

7 (b) Each applicant for a recovery permit shall have his or
8 her fingerprints submitted to the Commission by a Live Scan
9 fingerprint vendor certified by the Illinois State Police under
10 the Private Detective, Private Alarm, Private Security,
11 Fingerprint Vendor, and Locksmith Act of 2004 in an electronic
12 format that complies with the form and manner for requesting
13 and furnishing criminal history record information as
14 prescribed by the Illinois State Police. These fingerprints
15 shall be checked against the Illinois State Police and Federal
16 Bureau of Investigation criminal history record databases now
17 and hereafter filed. The Commission shall charge applicants a
18 fee for conducting the criminal history records check, which
19 shall not exceed the actual cost of the records check. The
20 Illinois Commerce Commission Police shall furnish, pursuant to
21 positive identification, records of Illinois convictions to
22 the Commission. The Commission, in its discretion, may allow an
23 applicant who does not have reasonable access to a designated
24 vendor to provide his or her fingerprints in an alternative
25 manner. The Commission, in its discretion, may also use other
26 procedures in performing or obtaining criminal history records

1 checks of applicants. Instead of submitting his or her
2 fingerprints, an individual may submit proof that is
3 satisfactory to the Commission that an equivalent security
4 clearance has been conducted.

5 (c) Qualified applicants shall purchase a recovery permit
6 from the Commission and in a form that the Commission
7 prescribes. The Commission shall notify the submitting person
8 within 10 days after receipt of the application of its intent
9 to issue or deny the recovery permit. The holder of a recovery
10 permit shall carry the recovery permit at all times while
11 actually engaged in the performance of the duties of his or her
12 employment. No recovery permit shall be effective unless
13 accompanied by a license issued by the Commission. Expiration
14 and requirements for renewal of recovery permits shall be
15 established by rule of the Commission. Possession of a recovery
16 permit does not in any way imply that the holder of the
17 recovery permit is employed by any agency unless the recovery
18 permit is accompanied by the employee identification card
19 required by subsection (e) of this Section.

20 (d) Each employer shall maintain a record of each employee
21 that is accessible to the duly authorized representatives of
22 the Commission. The record shall contain all of the following
23 information:

24 (1) A photograph taken within 10 days after the date
25 that the employee begins employment with the employer. The
26 photograph shall be replaced with a current photograph

1 every 3 calendar years.

2 (2) The Employee's Statement specified in paragraph
3 (2) of subsection (a) of this Section.

4 (3) All correspondence or documents relating to the
5 character and integrity of the employee received by the
6 employer from any official source or law enforcement
7 agency.

8 (4) In the case of former employees, the employee
9 identification card of that person issued under subsection
10 (e) of this Section.

11 (e) Every employer shall furnish an employee
12 identification card to each of his or her employees. This
13 subsection (e) shall not apply to office or clerical personnel.
14 This employee identification card shall contain a recent
15 photograph of the employee, the employee's name, the name and
16 agency license number of the employer, the employee's personal
17 description, the signature of the employer, the signature of
18 that employee, the date of issuance, and an employee
19 identification card number.

20 (f) No employer may issue an employee identification card
21 to any person who is not employed by the employer in accordance
22 with this Section or falsely state or represent that a person
23 is or has been in his or her employ. It is unlawful for an
24 applicant for registration to file with the Commission the
25 fingerprints of a person other than himself or herself or to
26 fail to exercise due diligence in resubmitting replacement

1 fingerprints for those employees who have had original
2 fingerprint submissions returned as unclassifiable. An agency
3 shall inform the Commission within 15 days after contracting or
4 employing a licensed repossession agency employee. The
5 Commission shall develop a registration process by rule.

6 (g) Every employer shall obtain the identification card of
7 every employee who terminates employment with the employer. An
8 employer shall immediately report an identification card that
9 is lost or stolen to the local police department having
10 jurisdiction over the repossession agency location.

11 (h) No agency may employ any person to perform any activity
12 under this Act unless the person possesses a valid license or
13 recovery permit under this Act.

14 (i) If information is discovered affecting the
15 registration of a person whose fingerprints were submitted
16 under this Section, then the Commission shall so notify the
17 agency that submitted the fingerprints on behalf of that
18 person.

19 (j) A person employed under this Section shall have 15
20 business days within which to notify the Commission of any
21 change in employer, but may continue working under any other
22 recovery permits granted as an employee or independent
23 contractor.

24 (k) This Section applies only to those employees of
25 licensed repossession agencies whose duties include actual
26 repossession of collateral.

1 Section 50. Fees.

2 (a) The license and permit fees required under this Act are
3 as follows:

4 (1) Class "R" license (recovery agency), \$825.

5 (2) Class "RR" license (branch office), \$425.

6 (3) Class "MR" license (recovery agency manager),
7 \$325.

8 (4) Class "E" recovery permit, \$75.

9 (5) Class "EE" recovery permit (recovery agent
10 intern), \$75.

11 An agency shall submit an application to register any
12 remote storage location or locations. The Commission shall
13 develop by rule the requirements for registering remote storage
14 locations. The fee for each registration shall not exceed \$300
15 as set by the Commission.

16 (b) The Commission may establish by rule a fee for the
17 replacement or revision of a license or recovery permit.

18 (c) The fees set forth in this Section must be paid by
19 certified check or money order, or at the discretion of the
20 Commission, by agency check at the time of application. An
21 applicant for a Class "E", Class "EE", or Class "MR" license or
22 permit must pay the license or permit fee at the time the
23 application is made. If a license or permit is revoked or
24 denied, or if an application is withdrawn, then the license or
25 permit fee shall not be refunded.

1 Section 55. Social Security Number or Federal Employee
2 Identification Number on application. In addition to any other
3 information required by the Commission to be contained in the
4 application, every application for original, renewal, or
5 restored license or permit shall include the applicant's Social
6 Security Number, if an individual, or Federal Employer
7 Identification Number, if not an individual. The Commission
8 shall not disclose an individual's Social Security Number or
9 residential address and must keep that Social Security Number
10 and residential address confidential unless disclosure is
11 required by law.

12 Section 60. Criminal background check. The Commission
13 shall require that each individual, partner of a partnership,
14 officer of a corporation, or owner of a limited liability
15 company, as part of the application process, authorize a
16 criminal history records check to determine if such applicant
17 has ever been charged with a crime and, if so, the disposition
18 of those charges. Upon this authorization, each individual,
19 partner of a partnership, officer of a corporation, or owner of
20 a limited liability company shall submit his or her
21 fingerprints to the Commission in the form and manner
22 prescribed by the Illinois Commerce Commission Police. These
23 fingerprints shall be checked against the fingerprint records
24 now and hereafter filed in the Illinois State Police and

1 Federal Bureau of Investigation criminal history records
2 databases. The Commission shall charge a fee for conducting the
3 criminal history records check, which shall be deposited in the
4 Transportation Regulatory Fund and shall not exceed the actual
5 cost of the records check. The Illinois Commerce Commission
6 Police shall provide information concerning any criminal
7 charges, and their disposition, now or hereafter filed against
8 an applicant upon request of the Commission when the request is
9 made in the form and manner required by the Illinois Commerce
10 Commission Police.

11 Section 65. Licensed recovery manager in control of
12 repossession agency.

13 (a) As a condition of licensure, a licensed recovery
14 manager must, at all times, be in control or management of the
15 repossession agency. Each licensed repossession agency and
16 licensed branch office location must have a licensed recovery
17 manager.

18 (b) A licensed recovery manager may only be in control of
19 one repossession agency or branch office location at one time.
20 Upon written request by a representative of an agency within 10
21 days after the loss of the licensed recovery manager in control
22 due to the death of the license holder or because of an
23 unanticipated termination of his or her employment, the
24 Commission shall issue a temporary permit allowing the
25 continuing operation of a previously licensed repossession

1 agency. The temporary permit shall be valid for no more than 90
2 days. Upon written request by the representative of the agency,
3 an extension of an additional 90 days may be granted by the
4 Commission for good cause shown. No more than 2 extensions may
5 be granted to any repossession agency. A temporary permit may
6 not be issued for loss of the licensed recovery manager in
7 control or management if that loss is due to disciplinary
8 action taken by the Commission.

9 (c) Whenever a licensed recovery manager in control or
10 management of a repossession agency ceases to be in control or
11 management, the licensed agency shall file notice with the
12 Commission within 30 days after the cessation. If the
13 repossession agency fails to give written notice at the end of
14 the 30-day period, then the agency's license shall
15 automatically be suspended. If the notice is filed, then the
16 license shall remain in force for a period of 90 days after the
17 filing of the notice. At the end of the 90-day period or an
18 additional period, not to exceed one year, as specified by the
19 Commission, if written notice is not given that a licensed
20 recovery manager is then in control or management of the
21 agency, then the agency's license shall automatically be
22 suspended. A license suspended under this Section may be
23 reinstated upon payment of a reinstatement fee, to be
24 determined by the Commission, and submission of a reinstatement
25 application.

26 (d) Except as otherwise provided in this Act, no person may

1 serve as the licensed recovery manager in control or management
2 of a licensed repossession agency if that person has ever had a
3 repossession agency's license revoked or if the person was a
4 partner, managing employee, owner, or officer of a repossession
5 agency the license of which has been revoked for cause.

6 (e) The license of the recovery manager in control or
7 management of a licensed repossession agency, together with the
8 agency's license, shall be conspicuously displayed at the
9 agency location of which the recovery manager is in control or
10 management.

11 (f) A license extended under this Section is subject to all
12 other provisions of this Act.

13 Section 70. License extension in cases of death or
14 disassociation.

15 (a) In the case of the death of a person who is licensed
16 individually as a repossession agency, a member of the
17 deceased's immediate family shall be entitled to continue
18 operating the agency under the same license for up to 120 days
19 following the date of death, provided that written notice is
20 given to the Commission within 30 days following the date of
21 death. At the end of the 120-day period, the license shall
22 automatically be revoked.

23 (b) In the case of the death or disassociation of a partner
24 of a partnership licensed as a repossession agency, the company
25 shall notify the Commission, in writing, within 30 days from

1 the death or disassociation of the partner. If they fail to
2 notify the Commission within the 30-day period, then the
3 license shall automatically be revoked at the end of that
4 period. If proper notice is given, then the license shall
5 remain in force for 90 days following the date of death or
6 disassociation of the partner. At the end of the 90-day period,
7 the license shall automatically be revoked.

8 (c) A license extended under this Section is subject to all
9 other provisions of this Act.

10 Section 75. Licenses and recovery permits; renewals;
11 restoration; person in military service.

12 (a) An original Class "R" license, Class "RR" license, and
13 Class "MR" license shall expire 2 years after the date of
14 issuance.

15 (b) An original Class "E" recovery permit and Class "EE"
16 recovery permit shall expire one year after the date of
17 issuance.

18 (c) A renewal Class "R" license, Class "RR" license and
19 Class "MR" license shall expire 2 years after the date of
20 renewal.

21 (d) A renewal Class "E" recovery permit and Class "EE"
22 recovery permit shall expire one year after the date of
23 renewal.

24 (e) The following are guidelines for the classes of
25 licensure and registration:

1 (1) Any person, firm, company, partnership, or
2 corporation that engages in business as a recovery agency
3 shall have a Class "R" license. A Class "R" license is
4 valid for only one location.

5 (2) Each branch office of a Class "R" agency shall have
6 a Class "RR" license.

7 (3) Any individual who performs the services of a
8 manager for a Class "R" recovery agency or a Class "RR"
9 branch office must have a Class "MR" license.

10 (4) Any individual who performs recovery services as a
11 repossession agency employee for a Class "R" recovery
12 agency or a Class "RR" branch office must have a Class "E"
13 recovery permit.

14 (5) Any individual who performs repossessions as an
15 intern under the direction and control of a designated,
16 sponsoring Class "E" recovery permit or a designated,
17 sponsoring Class "MR" license shall have a Class "EE"
18 recovery permit.

19 (6) An individual shall have a Class "MR" or Class "E"
20 recovery permit if he or she owns or is an employee of a
21 Class "R" agency or Class "RR" branch office.

22 (7) Class "MR", Class "E", and Class "EE" licenses and
23 recovery permits are not transferable.

24 (f) At least 90 days prior to the expiration of a license
25 or recovery permit, the Commission shall mail to the license or
26 permit holder a renewal form in the form and manner prescribed

1 by the Commission. The license holder or recovery permit holder
2 must complete and mail the renewal form to the Commission, pay
3 any fines assessed, and pay any renewal fee required by the
4 Commission.

5 (g) Any person or entity that has permitted a license or
6 recovery permit to expire may have that license or recovery
7 permit restored by making an application to the Commission
8 within one year after the expiration of a repossession agency's
9 license or a qualified manager license or within 30 days after
10 the expiration of a recovery permit, filing proof acceptable to
11 the Commission of fitness to have the license or recovery
12 permit restored, and paying the required restoration fee.
13 However, any person whose license or recovery permit expired
14 while (i) in federal service on active duty with the Armed
15 Forces of the United States or called into service or training
16 with the State militia or (ii) in training or education under
17 the supervision of the United States preliminary to induction
18 into military service may have his or her license or recovery
19 permit renewed or restored without paying any lapsed renewal
20 fees, if within 2 years after honorable termination of the
21 service, training, or education, except under condition other
22 than honorable, he or she furnishes the Commission with
23 satisfactory evidence to the effect that he or she has been so
24 engaged and that the service, training, or education has been
25 so terminated.

26 (h) A suspended repossession agency license, recovery

1 manager license, or recovery permit is subject to expiration as
2 set forth in this Section. Renewal of a certificate or
3 registration card does not entitle the license holder or
4 recovery permit holder, while the license or recovery permit
5 remains suspended and until it is reinstated, to engage in the
6 licensed or permitted activity.

7 (i) A revoked repossession agency license, recovery
8 manager license, or recovery permit is subject to expiration as
9 set forth in this Section; however, it may not be renewed. If a
10 revoked license or recovery permit is reinstated after its
11 expiration, then the license holder or recovery permit holder,
12 as a condition of reinstatement, shall pay a reinstatement fee
13 in an amount equal to the renewal fee in effect on the last
14 regular renewal date prior to the date on which the license or
15 recovery permit is reinstated and any additional delinquency
16 fee required by the Commission.

17 (j) Any person or entity that notifies the Commission, in
18 writing on forms prescribed by the Commission, may place a
19 license or recovery permit on inactive status and shall be
20 excused from the payment of renewal fees until the person or
21 entity notifies the Commission in writing of the intention to
22 resume active practice. Any person or entity requesting that a
23 license or recovery permit be changed from inactive to active
24 status shall be required to pay the current renewal fee.

25 (k) Any repossession agency license holder, recovery
26 manager license holder, or recovery permit holder whose license

1 or recovery permit is nonrenewed or on inactive status shall
2 not engage in the practice of recovery in this State or use the
3 title or advertise that he, she, or it performs the services of
4 a licensed repossession agency, licensed recovery manager, or
5 repossession agency employee.

6 (l) Any person violating subsection (k) of this Section
7 shall be considered to be operating a repossession agency
8 without a license, acting as a recovery manager without a
9 license, or acting as a repossession agency employee without a
10 recovery permit and is subject to the disciplinary provisions
11 of this Act.

12 (m) A repossession agency license, recovery manager
13 license, or recovery permit that is not renewed within 3 years
14 after its expiration may not be renewed, restored, reinstated,
15 or reissued thereafter. The holder of the license or recovery
16 permit may obtain a new license or recovery permit only upon
17 compliance with all of the provisions of this Act concerning
18 the issuance of original licenses or recovery permits.

19 Section 80. Refusal, revocation, or suspension.

20 (a) The Commission may refuse to issue or renew or may
21 revoke any license or recovery permit or may suspend, place on
22 probation, fine, or take any disciplinary action that the
23 Commission may deem proper, including fines not to exceed
24 \$2,500 for each violation, with regard to any license holder or
25 recovery permit holder for one or any combination of the

1 following causes:

2 (1) Knowingly making any misrepresentation for the
3 purpose of obtaining a license or recovery permit.

4 (2) Violations of this Act or its rules.

5 (3) Conviction of any crime under the laws of the
6 United States or any state or territory thereof that is (i)
7 a felony, (ii) a misdemeanor, an essential element of which
8 is dishonesty, or (iii) a crime that is related to the
9 practice of the profession.

10 (4) Aiding or abetting another in violating any
11 provision of this Act or its rules.

12 (5) Engaging in dishonorable, unethical, or
13 unprofessional conduct of a character likely to deceive,
14 defraud, or harm the public as defined by rule.

15 (6) Violation of any court order from any State or
16 public agency engaged in the enforcement of payment of
17 child support arrearages or for noncompliance with certain
18 processes relating to paternity or support proceeding.

19 (7) Solicitation of professional services by using
20 false or misleading advertising.

21 (8) A finding that the license or recovery permit was
22 obtained by fraudulent means.

23 (9) Practicing or attempting to practice under a name
24 other than the full name shown on the license or recovery
25 permit or any other legally authorized name.

26 (b) The Commission may refuse to issue or may suspend the

1 license or recovery permit of any person or entity who fails to
2 file a return, pay the tax, penalty, or interest shown in a
3 filed return, or pay any final assessment of tax, penalty, or
4 interest, as required by any tax Act administered by the
5 Department of Revenue, until the time the requirements of the
6 tax Act are satisfied. The Commission may take into
7 consideration any pending tax disputes properly filed with the
8 Department of Revenue.

9 Section 85. Consideration of past crimes.

10 (a) Notwithstanding the prohibitions set forth in Sections
11 40 and 45 of this Act, when considering the denial of a license
12 or recovery permit on the grounds of conviction of a crime, the
13 Commission, in evaluating the rehabilitation of the applicant
14 and the applicant's present eligibility for a license or
15 recovery permit, shall consider each of the following criteria:

16 (1) The nature and severity of the act or crime under
17 consideration as grounds for denial.

18 (2) Evidence of any act committed subsequent to the act
19 or crime under consideration as grounds for denial, which
20 also could be considered as grounds for disciplinary action
21 under this Act.

22 (3) The amount of time that has lapsed since the
23 commission of the act or crime referred to in item (1) or
24 (2) of this subsection (a).

25 (4) The extent to which the applicant has complied with

1 any terms of parole, probation, restitution, or any other
2 sanctions lawfully imposed against the applicant.

3 (5) Evidence, if any, of rehabilitation submitted by
4 the applicant.

5 (b) When considering the suspension or revocation of a
6 license or recovery permit on the grounds of conviction of a
7 crime, the Commission, in evaluating the rehabilitation of the
8 applicant and the applicant's present eligibility for a license
9 or recovery permit, shall consider each of the following
10 criteria:

11 (1) The nature and severity of the act or offense.

12 (2) The license holder's or recovery permit holder's
13 criminal record in its entirety.

14 (3) The amount of time that has lapsed since the
15 commission of the act or offense.

16 (4) Whether the license holder or recovery permit
17 holder has complied with any terms of parole, probation,
18 restitution, or any other sanctions lawfully imposed
19 against him or her.

20 (5) If applicable, evidence of expungement
21 proceedings.

22 (6) Evidence, if any, of rehabilitation submitted by
23 the license holder or recovery permit holder.

24 Section 90. Insurance required. No repossession agency,
25 branch office, or remote storage location license shall be

1 issued unless the applicant first files with the Commission a
2 certification of insurance evidencing coverage in the amount
3 required under this Section. The coverage shall provide the
4 Commission as an additional insured for the purpose of
5 receiving all notices of modifications or cancellations of such
6 insurance. Coverage shall be written by an insurance company
7 that is lawfully engaged to provide insurance coverage in
8 Illinois. Coverage shall provide for a combined single limit
9 policy in the amount of at least \$1,000,000 per occurrence and
10 a \$3,000,000 aggregate policy, which shall include commercial
11 general liability for wrongful repossession, garage keepers,
12 on hook, and drive-away and shall be a direct primary policy.
13 Coverage shall provide for a dishonesty bond policy in the
14 amount of at least \$1,000,000. Coverage shall insure for the
15 liability of all employees licensed or registered by the
16 Commission while acting in the course of their employment. The
17 agency shall notify the Commission immediately upon
18 cancellation of the insurance policy, whether the cancellation
19 was initiated by the insurance company or the insured agency.
20 The agency's license shall automatically be suspended on the
21 date of cancellation of the policy, unless new evidence of
22 insurance is provided to the Commission prior to the effective
23 date of cancellation.

24 Section 95. Display of license required. At all times, a
25 repossession agency's license shall be conspicuously displayed

1 at the agency location on record with the Commission.

2 Section 100. Local government; home rule.

3 (a) Nothing in this Act shall prevent local authorities in
4 any municipality, county, or municipality and county, by
5 ordinance and within the exercise of the police power of the
6 municipality or county, from requiring repossession agency and
7 recovery manager license holders to register their names and
8 file a copy of their State identification cards with the
9 municipality, county, or municipality and county.

10 (b) A municipality or county, including a home rule unit,
11 may not regulate individuals and entities engaged in the
12 business of collateral recovery in a manner that is less
13 stringent than the standards established under this Act. To the
14 extent that any regulation by a municipality or county,
15 including a home rule unit, is less stringent than the
16 standards established under this Act, it is superseded by this
17 Act. This Section is a limitation under subsection (i) of
18 Section 6 of Article VII of the Illinois Constitution on the
19 concurrent exercise by home rule units of powers and functions
20 exercised by the State.

21 Section 105. Notification of law enforcement. Prior to a
22 repossession, the licensed repossession agency or repossession
23 agency employee shall notify the appropriate law enforcement
24 agency located in the jurisdiction in which the licensed

1 repossession agency or repossession agency employee plans to
2 perform the repossession. Within 30 minutes after the
3 completion of the repossession, the licensed repossession
4 agency or repossession agency employee must notify the
5 appropriate law enforcement agency that the repossession has
6 occurred within its jurisdiction.

7 Section 110. Repossession of vehicles.

8 (a) With regard to collateral subject to a security
9 agreement, repossession occurs when the licensed repossession
10 agency employee gains entry into the collateral, the collateral
11 becomes connected to a tow vehicle, or the licensed
12 repossession agency employee has physical control, custody, or
13 possession of the collateral.

14 (b) The licensed repossession agency shall confirm with the
15 legal owner of a recovered vehicle whether the legal owner
16 holds a security interest in the personal effects or other
17 property contained in or on the recovered vehicle.

18 (c) If personal effects or other property not covered by a
19 security agreement are contained in or on a recovered vehicle
20 at the time it is recovered, then the personal effects and
21 other property not covered by a security agreement must be
22 completely and accurately inventoried, and a record of the
23 inventory shall be maintained on file with the licensed
24 repossession agency for a period of 2 years following the date
25 of repossession. The licensed repossession agency shall hold

1 all personal effects and other property not covered by a
2 security agreement until the licensed repossession agency
3 either returns the personal effects and other property to the
4 debtor or disposes of the personal effects and other property
5 in accordance with this Section.

6 (d) Within 5 working days following the date of
7 repossession, the licensed repossession agency shall give
8 written notification to the debtor of the whereabouts of
9 personal effects or other property inventoried. At least 45
10 days prior to disposing of such personal effects or other
11 property, the licensed repossession agency shall, by United
12 States Postal Service certified mail, notify the debtor of the
13 intent to dispose of the property. Should the debtor, or his or
14 her lawful designee, appear to retrieve the personal property
15 prior to the date on which the licensed repossession agency is
16 allowed to dispose of the property, the licensed repossession
17 agency shall surrender the personal property to that individual
18 upon payment of any reasonably incurred expenses for inventory
19 and storage.

20 (e) If personal property is not claimed within 45 days of
21 the notice of intent to dispose, then the licensed repossession
22 agency may dispose of the personal property at its discretion,
23 except that illegal items or contraband shall be surrendered to
24 a law enforcement agency, and the licensed repossession agency
25 shall retain a receipt or other proof of surrender as part of
26 the inventory and disposal records it maintains. The inventory

1 of the personal property and the records regarding any disposal
2 of personal property shall be maintained for a period of 2
3 years in the permanent records of the licensed repossession
4 agency and shall be made available upon request to the
5 Commission.

6 Section 115. Deposit of fees and fines. All of the fees and
7 fines collected under this Act shall be deposited into the
8 Transportation Regulatory Fund and, subject to appropriation,
9 may be used by the Commission for the administration of this
10 Act.

11 Section 120. Payments; penalty for insufficient funds. Any
12 person or entity who delivers a check or other payment to the
13 Commission that is returned to the Commission unpaid by the
14 financial institution upon which it is drawn shall pay to the
15 Commission, in addition to the amount already owed to the
16 Commission, a fine amount as determined by the Commission. The
17 fines imposed by this Section are in addition to any other
18 discipline provided under this Act prohibiting unlicensed or
19 unregistered practice or practice on a nonrenewed license or
20 recovery permit. The Commission shall notify the person or
21 entity that fees and fines shall be paid to the Commission by
22 certified check or money order within 30 calendar days after
23 notification. If, after the expiration of 30 days from the date
24 of notification, the person or entity has failed to submit the

1 necessary remittance, then the Commission shall automatically
2 terminate the license or recovery permit or deny the
3 application without hearing. If, after termination or denial,
4 the person seeks a license or recovery permit, then the person
5 or entity shall apply to the Commission for restoration or
6 issuance of the license or recovery permit and pay all fees and
7 fines due to the Commission. The Commission may establish a fee
8 for the processing of an application for restoration of a
9 license or recovery permit to pay all expenses of processing
10 the application. The Commission may waive the fines due under
11 this Section in individual cases where the Commission finds
12 that the fines would be unreasonable or unnecessarily
13 burdensome.

14 Section 125. Filings, formal complaints. All repossession
15 activity correspondence relating to complaints and alleged
16 violations of this Act shall be submitted to the Commission in
17 writing on forms and in a manner prescribed by the Commission.

18 Section 130. Roster. The Commission shall maintain a
19 roster of names and addresses of all persons who hold valid
20 licenses and recovery permits and all persons whose licenses or
21 recovery permits have been suspended or revoked within the
22 previous year.

23 Section 135. Violations; injunctions; cease and desist

1 order.

2 (a) If any person or entity violates a provision of this
3 Act, then the Commission may, in the name of the People of the
4 State of Illinois, through the Attorney General of the State of
5 Illinois, petition for an order enjoining the violation or for
6 an order enforcing compliance with this Act. Upon the filing of
7 a verified petition in court, the court may issue a temporary
8 restraining order, without notice or bond, and may
9 preliminarily and permanently enjoin the violation. If it is
10 established that the person or entity has violated or is
11 violating the injunction, the court may punish the offender for
12 contempt of court. Proceedings under this Section are in
13 addition to, and not in lieu of, all other remedies and
14 penalties provided by this Act.

15 (b) If any person or entity practices as a repossession
16 agency or a recovery manager or holds himself, herself, or
17 itself out as such without having a valid license or recovery
18 permit under this Act, then any license holder or recovery
19 permit holder, any person injured thereby, or any resident of
20 or legal entity within the State may, in addition to the
21 Commission, petition for relief as provided in subsection (a)
22 of this Section.

23 (c) Whenever, in the opinion of the Commission, any person
24 or entity violates any provision of this Act, the Commission
25 may issue a rule to show cause why an order to cease and desist
26 should not be entered against that person or entity. The rule

1 shall clearly set forth the grounds relied upon by the
2 Commission and shall provide a period of 7 days from the date
3 of the rule to file an answer to the satisfaction of the
4 Commission. Failure to answer to the satisfaction of the
5 Commission shall cause an order to cease and desist to be
6 issued immediately.

7 Section 140. Investigation; notice and hearing. The
8 Commission may investigate the actions or qualifications of any
9 person or entity holding or claiming to hold a license or
10 recovery permit. The Commission may take any immediate
11 disciplinary action that the Commission may deem proper if a
12 person or entity repossesses a vehicle or collateral in the
13 State without a valid license or permit. For all other
14 disciplinary actions against a license or recovery permit
15 holder, the Commission shall (i) notify the accused in writing
16 of any charges made and the time and place for a hearing on the
17 charges at least 30 days before the date set for the hearing,
18 (ii) direct the accused to file a written answer to the charges
19 under oath within 30 days after the service on the person or
20 entity of such notice, and (iii) inform the accused that
21 failure to file an answer shall result in a default judgment
22 against the person or entity and the person's or entity's
23 license or recovery permit may be suspended, revoked, placed on
24 probationary status, or other disciplinary action taken with
25 regard to the license or recovery permit as the Commission may

1 deem proper.

2 In case the person or entity, after receiving notice, fails
3 to file an answer, the person's or entity's license or recovery
4 permit may, in the discretion of the Commission, be suspended,
5 revoked, placed on probationary status, or the Commission, may
6 take whatever disciplinary action it deems proper, including
7 the imposition of a fine, without a hearing, if the act or acts
8 charged constitute sufficient grounds for such action under
9 this Act. This written notice and any notice in the subsequent
10 proceedings may be served by personal delivery to the accused,
11 or by registered or certified mail to the address last
12 specified by the accused in the last notification to the
13 Commission.

14 The written answer shall be served by personal delivery,
15 certified delivery, or certified or registered mail to the
16 Commission. At the time and place fixed in the notice, the
17 Commission shall proceed to hear the charges and the parties or
18 their counsel shall be accorded ample opportunity to present
19 such statements, testimony, evidence, and argument as may be
20 pertinent to the charges or to the defense thereto. The
21 Commission may continue such hearing from time to time. At the
22 discretion of the Commission, the accused person's or entity's
23 license or recovery permit may be suspended or revoked, if the
24 evidence constitutes sufficient grounds for such action under
25 this Act.

1 Section 145. Record of proceeding. The Commission, at its
2 expense, shall preserve a record of all proceedings at the
3 formal hearing of any case. The notice of hearing, complaint
4 and all other documents in the nature of pleadings and written
5 motions filed in the proceedings, the transcript of testimony,
6 and orders of the Commission shall be in the record of the
7 proceedings.

8 Section 150. Subpoenas; oaths; attendance of witnesses.
9 The Commission has the power to subpoena and to bring before it
10 any person and to take testimony either orally or by
11 deposition, or both, with the same fees and mileage and in the
12 same manner as is prescribed in civil cases in the courts of
13 this State. The Commission and the designated hearing officer
14 have the power to administer oaths to witnesses at any hearing
15 that the Commission is authorized to conduct and any other
16 oaths authorized in any Act administered by the Commission. Any
17 circuit court may, upon application of the Commission or its
18 designee or of the applicant, license holder, or recovery
19 permit holder against whom proceedings under this Act are
20 pending, enter an order requiring the attendance of witnesses
21 and their testimony, and the production of documents, papers,
22 files, books, and records in connection with any hearing or
23 investigation. The court may compel obedience to its order by
24 proceedings for contempt.

1 Section 155. Recommendations for disciplinary action. At
2 the conclusion of the hearing, the Commission shall prepare a
3 written report of its findings and recommendations. The report
4 shall contain a finding whether or not the accused person or
5 entity violated this Act or failed to comply with the
6 conditions required in this Act. The finding is not admissible
7 in evidence against the person in a criminal prosecution
8 brought for the violation of this Act, but the hearing and
9 finding are not a bar to a criminal prosecution brought for the
10 violation of this Act.

11 Section 160. Rehearing. In any hearing involving
12 disciplinary action against a license holder or recovery permit
13 holder, a copy of the Commission's report shall be served upon
14 the respondent by the Commission, either personally or as
15 provided in this Act for the service of the notice of hearing.
16 Within 20 calendar days after service, the respondent may
17 present to the Commission a motion in writing for a rehearing
18 that shall specify the particular grounds for rehearing. If no
19 motion for rehearing is filed, then upon the expiration of the
20 time specified for filing a motion, or if a motion for
21 rehearing is denied, then upon denial, the Commission may enter
22 an order in accordance with its own recommendations except as
23 provided in this Act. If the respondent orders from the
24 reporting service, and pays for, a transcript of the record
25 within the time for filing a motion for rehearing, then the 20

1 calendar day period within which a motion may be filed shall
2 commence upon the delivery of the transcript to the respondent.

3 Section 165. Appointment of a hearing officer. The
4 Commission has the authority to appoint any attorney duly
5 licensed to practice law in the State of Illinois to serve as
6 the hearing officer in any action for refusal to issue or renew
7 a license or recovery permit or to discipline a license holder
8 or recovery permit holder. The hearing officer has full
9 authority to conduct the hearing. The hearing officer shall
10 report his or her findings and recommendations to the
11 Commission. The Commission has 60 calendar days from receipt of
12 the report to review the report of the hearing officer. If the
13 Commission disagrees with the recommendation of the hearing
14 officer, then the Commission may issue an order in
15 contravention of the recommendation.

16 Section 170. Hearing by other examiner. Whenever the
17 Commission is not satisfied that substantial justice has been
18 done in revoking or suspending a license or recovery permit, or
19 refusing to issue or renew a license or recovery permit, the
20 Commission may order a rehearing.

21 Section 175. Order; certified copy. An order or a
22 certified copy thereof, over the seal of the Commission, shall
23 be prima facie proof:

- 1 (a) that the seal is the genuine seal of the Commission;
2 and
3 (b) that the Commission is duly appointed and qualified.

4 Section 180. Restoration. At any time after the suspension
5 or revocation of any license or recovery permit, the Commission
6 may restore the license or recovery permit to the accused
7 person, unless after an investigation and a hearing the
8 Commission determines that restoration is not in the public
9 interest.

10 Section 185. License and recovery permit surrender. Upon
11 the revocation or suspension of any license or recovery permit,
12 the license holder or recovery permit holder shall immediately
13 surrender the license or recovery permit to the Commission. If
14 the license holder or recovery permit holder fails to do so,
15 then the Commission has the right to seize the license or
16 recovery permit.

17 Section 190. Summary suspension. The Commission may
18 summarily suspend the license of a repossession agency, the
19 license of a recovery manager, or the recovery permit of an
20 employee without a hearing, simultaneously with the
21 institution of proceedings for a hearing provided for in this
22 Act, if the Commission finds that evidence in its possession
23 indicates that a repossession agency's, recovery manager's, or

1 employee's continuation in the business of collateral recovery
2 would constitute an imminent danger to the public. In the event
3 that the Commission summarily suspends a license or recovery
4 permit without a hearing, a hearing by the Commission must be
5 held within 30 calendar days after the suspension has occurred.

6 Section 195. Judicial review. All final administrative
7 decisions of the Commission are subject to judicial review
8 under the Administrative Review Law and its rules. The term
9 "administrative decision" is defined as in Section 3-101 of the
10 Code of Civil Procedure. Proceedings for judicial review shall
11 be commenced in the circuit court of the county in which the
12 party applying for review resides; but if the party is not a
13 resident of this State, the venue shall be in Sangamon County.

14 Section 200. Violations; criminal penalties. Any person
15 who is found to have violated any provision of this Act is
16 guilty of a Class A misdemeanor for the first offense, and a
17 Class 4 felony for a second or subsequent offense.

18 Section 205. Illinois Administrative Procedure Act. The
19 Illinois Administrative Procedure Act is expressly adopted and
20 incorporated in this Act as if all of the provisions of that
21 Act were included in this Act. For the purpose of this Act, the
22 notice required under Section 10-25 of the Illinois
23 Administrative Procedure Act is deemed sufficient when mailed

1 to the last known address of a party.

2 Section 900. The Regulatory Sunset Act is amended by adding
3 Section 4.32 as follows:

4 (5 ILCS 80/4.32 new)

5 Sec. 4.32. Act repealed on January 1, 2022. The following
6 Act is repealed on January 1, 2022:

7 The Collateral Recovery Act.

8 Section 999. Effective date. This Act takes effect on July
9 1, 2012.