



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

### SB3302

Introduced 2/14/2014, by Sen. Chapin Rose

#### SYNOPSIS AS INTRODUCED:

225 ILCS 217/40  
225 ILCS 217/60  
225 ILCS 227/50  
225 ILCS 312/66 new  
225 ILCS 320/11 from Ch. 111, par. 1110  
225 ILCS 320/16 from Ch. 111, par. 1115  
225 ILCS 422/35  
225 ILCS 422/40  
225 ILCS 422/45  
225 ILCS 447/35-30

Amends the Fire Equipment Distributor and Employee Regulation Act of 2011, the Pyrotechnic Distributor and Operator Licensing Act, the Elevator Safety and Regulation Act, and the Illinois Plumbing License Law. Provides that an applicant for licensure under these Acts who is 21 years of age or older seeking a religious exemption to the photograph requirement under each Act's licensing provisions must furnish with his or her application an approved copy of United States Department of the Treasury Internal Revenue Service Form 4029. Further provides that, regardless of age, an applicant seeking a religious exemption to the photograph requirement shall submit fingerprints with his or her application in lieu of a photograph. Also amends the Collateral Recovery Act and the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Provides that an applicant for licensure under these acts who is 21 years of age or older seeking a religious exemption to the photograph requirement under each Act's licensing provisions must furnish with his or her application an approved copy of United States Department of the Treasury Internal Revenue Service Form 4029.

LRB098 18114 ZMM 53243 b

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 5. The Fire Equipment Distributor and Employee  
5 Regulation Act of 2011 is amended by changing Sections 40 and  
6 60 as follows:

7 (225 ILCS 217/40)

8 (Section scheduled to be repealed on January 1, 2023)

9 Sec. 40. Qualifications for licensure; fees.

10 (a) No person shall engage in practice as a fire equipment  
11 distributor or fire equipment employee without first applying  
12 for and obtaining a license for that purpose from the Office of  
13 the State Fire Marshal.

14 (b) To qualify for a Class A Fire Equipment Distributor  
15 License to service, recharge, hydro-test, install, maintain,  
16 or inspect all types of fire extinguishers, an applicant must  
17 provide all of the following:

18 (1) An annual license fee of \$100.

19 (2) Evidence of registration as an Illinois  
20 corporation or evidence of compliance with the Assumed  
21 Business Name Act.

22 (3) Evidence of financial responsibility in a minimum  
23 amount of \$300,000 through liability insurance,

1 self-insurance, group insurance, group self-insurance, or  
2 risk retention groups.

3 (c) To qualify for a Class B Fire Equipment Distributor  
4 License to service, recharge, hydro-test, install, maintain,  
5 or inspect all types of pre-engineered fire extinguishing  
6 systems, an applicant must provide all of the following:

7 (1) An annual license fee of \$200.

8 (2) Evidence of registration as an Illinois  
9 corporation or evidence of compliance with the Assumed  
10 Business Name Act.

11 (3) Evidence of financial responsibility in a minimum  
12 amount of \$300,000 through liability insurance,  
13 self-insurance, group insurance, group self-insurance, or  
14 risk retention groups.

15 (4) Evidence of owning, leasing, renting, or having  
16 access to proper testing equipment that is in compliance  
17 with the national standards adopted by the State Fire  
18 Marshal for the maintenance and operation of testing tools  
19 for use with all Class B fire equipment.

20 (d) To qualify for a Class C Fire Equipment Distributor  
21 License to service, repair, hydro-test, inspect, and engineer  
22 all types of engineered fire suppression systems, an applicant  
23 must provide all of the following:

24 (1) An annual license fee of \$300.

25 (2) Evidence of registration as an Illinois  
26 corporation or evidence of compliance with the Assumed

1 Business Name Act.

2 (3) Evidence of financial responsibility in a minimum  
3 amount of \$300,000 through liability insurance,  
4 self-insurance, group insurance, group self-insurance, or  
5 risk retention groups.

6 (4) Evidence of owning, leasing, renting, or having  
7 access to proper testing equipment that is in compliance  
8 with the national standards adopted by the State Fire  
9 Marshal for the maintenance and operation of testing tools  
10 for use with all Class C fire equipment.

11 (e) To qualify for a Class 1 Fire Equipment Employee  
12 License to service, recharge, hydro-test, install, maintain,  
13 or inspect all types of fire extinguishers, an applicant must  
14 complete all of the following:

15 (1) Pass the ICC/NAFED examination administered by the  
16 ICC as a technician certified to service a Portable Fire  
17 Extinguisher.

18 (2) Pay an annual license fee of \$20.

19 (3) Provide 2 copies of a current photograph at least  
20 1" x 1" in size. An applicant who is 21 years of age or  
21 older seeking a religious exemption to this photograph  
22 requirement shall furnish with his or her application an  
23 approved copy of United States Department of the Treasury  
24 Internal Revenue Service Form 4029. Regardless of age, an  
25 applicant seeking a religious exemption to this photograph  
26 requirement shall submit fingerprints in a form and manner

1       prescribed by the State Fire Marshal with his or her  
2       application in lieu of a photograph.

3       (f) To qualify for a Class 2I Fire Equipment Employee  
4 License to service, recharge, hydro-test, install, maintain,  
5 or inspect all types of pre-engineered industrial fire  
6 extinguishing systems, an applicant must complete all of the  
7 following:

8           (1) Pass the ICC/NAFED examination administered by the  
9 ICC as a technician certified to service Pre-Engineered  
10 Industrial Fire Suppression Systems.

11           (2) Pay an annual license fee of \$20.

12           (3) Provide 2 copies of a current photograph at least  
13 1" x 1" in size. An applicant who is 21 years of age or  
14 older seeking a religious exemption to this photograph  
15 requirement shall furnish with his or her application an  
16 approved copy of United States Department of the Treasury  
17 Internal Revenue Service Form 4029. Regardless of age, an  
18 applicant seeking a religious exemption to this photograph  
19 requirement shall submit fingerprints in a form and manner  
20 prescribed by the State Fire Marshal with his or her  
21 application in lieu of a photograph.

22       (f-5) To qualify for a Class 2K Fire Equipment Employee  
23 License to service, recharge, hydro-test, install, maintain,  
24 or inspect all types of pre-engineered kitchen fire  
25 extinguishing systems, an applicant must complete all of the  
26 following:

1 (1) Pass the ICC/NAFED examination administered by the  
2 ICC as a technician certified to service Pre-Engineered  
3 Kitchen Fire Extinguishing Systems.

4 (2) Pay an annual fee of \$20.

5 (3) Provide 2 copies of a current photograph at least  
6 1" x 1" in size. An applicant who is 21 years of age or  
7 older seeking a religious exemption to this photograph  
8 requirement shall furnish with his or her application an  
9 approved copy of United States Department of the Treasury  
10 Internal Revenue Service Form 4029. Regardless of age, an  
11 applicant seeking a religious exemption to this photograph  
12 requirement shall submit fingerprints in a form and manner  
13 prescribed by the State Fire Marshal with his or her  
14 application in lieu of a photograph.

15 (g) To qualify for a Class 3 Fire Equipment Employee  
16 License to service, recharge, hydro-test, maintain, inspect,  
17 or engineer all types of engineered fire extinguishing systems,  
18 an applicant must complete all of the following:

19 (1) Pass the examination.

20 (2) Pay an annual license fee of \$20.

21 (3) Provide a current photograph at least 1" x 1" in  
22 size. An applicant who is 21 years of age or older seeking  
23 a religious exemption to this photograph requirement shall  
24 furnish with his or her application an approved copy of  
25 United States Department of the Treasury Internal Revenue  
26 Service Form 4029. Regardless of age, an applicant seeking

1       a religious exemption to this photograph requirement shall  
2       submit fingerprints in a form and manner prescribed by the  
3       State Fire Marshal with his or her application in lieu of a  
4       photograph.

5       (h) All licenses issued under this Act shall remain in  
6 effect unless the licensee is otherwise notified by the Office  
7 of the State Fire Marshal.

8       (Source: P.A. 96-1499, eff. 1-18-11; 97-979, eff. 8-17-12.)

9       (225 ILCS 217/60)

10       (Section scheduled to be repealed on January 1, 2023)

11       Sec. 60. Issuance of license; renewal.

12       (a) The State Fire Marshal shall, upon the applicant's  
13 satisfactory completion of the requirements authorized under  
14 this Act and upon receipt of the requisite fees, issue the  
15 appropriate license and wallet card showing the name and  
16 business location of the licensee, the dates of issuance and  
17 expiration, and shall contain a photograph of the licensee  
18 provided to the State Fire Marshal. An applicant who is 21  
19 years of age or older seeking a religious exemption to the  
20 photograph required by this subsection shall furnish with his  
21 or her application an approved copy of United States Department  
22 of the Treasury Internal Revenue Service Form 4029. Regardless  
23 of age, an applicant seeking a religious exemption to this  
24 photograph requirement shall submit fingerprints in a form and  
25 manner prescribed by the State Fire Marshal with his or her

1 application in lieu of a photograph.

2 (b) Any license valid on December 31, 2010 under the Fire  
3 Equipment Distributor and Employee Regulation Act of 2000 shall  
4 be a valid license under this Act and expires when the valid  
5 license issued under the Fire Equipment Distributor and  
6 Employee Regulation Act of 2000 was scheduled to expire.

7 (c) Each licensee may apply for renewal of his license upon  
8 payment of fees, as set forth in this Act. The expiration date  
9 and renewal period for each license issued under this Act shall  
10 be set by rule. Failure to renew within 60 days of the  
11 expiration date shall lapse the license. A lapsed license may  
12 not be reinstated until a written application is filed, the  
13 renewal fee is paid, and a \$50 reinstatement fee is paid.  
14 Renewal and reinstatement fees shall be waived for persons who  
15 did not renew while on active duty in the military and who file  
16 for renewal or restoration within one year after discharge from  
17 such service. A lapsed license may not be reinstated after 5  
18 years have elapsed, except upon passing an examination to  
19 determine fitness to have the license restored and by paying  
20 the required fees.

21 (d) As a condition of renewal of a license, the State Fire  
22 Marshal may require the licensee to report information  
23 pertaining to his practice which the State Fire Marshal  
24 determines to be in the interest of public safety.

25 (e) All fees paid under this Act are non-refundable.

26 (Source: P.A. 96-1499, eff. 1-18-11.)



1           Section 10. The Pyrotechnic Distributor and Operator  
2           Licensing Act is amended by changing Section 50 as follows:

3           (225 ILCS 227/50)

4           Sec. 50. Issuance of license; renewal; fees nonrefundable.

5           (a) The Office, upon the applicant's satisfactory  
6           completion of the requirements imposed under this Act and upon  
7           receipt of the requisite fees, shall issue the appropriate  
8           license showing the name, address, and photograph of the  
9           licensee and the dates of issuance and expiration. The license  
10          shall include the name of the pyrotechnic distributor or  
11          production company employing the lead pyrotechnic operator or  
12          insuring the lead pyrotechnic operator as an additional named  
13          insured on the pyrotechnic distributor's product liability and  
14          general liability insurance, as required under paragraphs (2)  
15          and (3) of subsection (c) of Section 35, or insuring the lead  
16          pyrotechnic operator as an additional named insured on the  
17          production company's general liability insurance, as required  
18          under paragraph (1) of subsection (c-3) of Section 35. A lead  
19          pyrotechnic operator is required to have a separate license for  
20          each pyrotechnic distributor or production company who employs  
21          the lead pyrotechnic operator or insures the lead pyrotechnic  
22          operator as an additional named insured on the pyrotechnic  
23          distributor's product liability and general liability  
24          insurance, as required under paragraphs (2) and (3) of

1 subsection (c) of Section 35, or insures the lead pyrotechnic  
2 operator as an additional named insured on the production  
3 company's general liability insurance, as required under  
4 paragraph (1) of subsection (c-3) of Section 35.

5 (b) Each licensee may apply for renewal of his or her  
6 license upon payment of the applicable fees. The expiration  
7 date and renewal period for each license issued under this Act  
8 shall be set by rule. Failure to renew within 60 days of the  
9 expiration date results in lapse of the license. A lapsed  
10 license may not be reinstated until a written application is  
11 filed, the renewal fee is paid, and the reinstatement fee  
12 established by the Office is paid. Renewal and reinstatement  
13 fees shall be waived for persons who did not renew while on  
14 active duty in the military and who file for renewal or  
15 restoration within one year after discharge from the service. A  
16 lapsed license may not be reinstated after 5 years have elapsed  
17 except upon passing an examination to determine fitness to have  
18 the license restored and by paying the required fees.

19 (c) All fees paid under this Act are nonrefundable.

20 (d) A production company licensed under this Act shall pay  
21 all applicable licensing fees for each lead pyrotechnic  
22 operator it employs or insures as an additional named insured  
23 on the production company's general liability insurance, as  
24 required under paragraph (1) of subsection (c-3) of Section 35.

25 (e) An applicant who is 21 years of age or older seeking a  
26 religious exemption to the photograph requirement of this

1 Section shall furnish with his or her application an approved  
2 copy of United States Department of the Treasury Internal  
3 Revenue Service Form 4029. Regardless of age, an applicant  
4 seeking a religious exemption to this photograph requirement  
5 shall submit fingerprints in a form and manner prescribed by  
6 the Office with his or her application in lieu of a photograph.

7 (Source: P.A. 96-708, eff. 8-25-09; 97-164, eff. 1-1-12.)

8 Section 15. The Elevator Safety and Regulation Act is  
9 amended by adding Section 66 as follows:

10 (225 ILCS 312/66 new)

11 Sec. 66. Licenses; photo exemption. An applicant who is 21  
12 years of age or older seeking a religious exemption to the  
13 requirement under this Act that all licenses contain the  
14 licensees' photo shall furnish with his or her application an  
15 approved copy of United States Department of the Treasury  
16 Internal Revenue Service Form 4029. Regardless of age, an  
17 applicant seeking a religious exemption to this photo  
18 requirement shall submit fingerprints in a form and manner  
19 prescribed by the Board with his or her application in lieu of  
20 a photo.

21 Section 20. The Illinois Plumbing License Law is amended by  
22 changing Sections 11 and 16 as follows:

1 (225 ILCS 320/11) (from Ch. 111, par. 1110)

2 Sec. 11. The Director shall issue a plumber's license to  
3 each applicant who successfully passes the examination and has  
4 paid to the Department the required license fee. Each plumber's  
5 license shall be issued in the name of the Department with the  
6 seal thereof attached. Each plumber's license shall be composed  
7 of a solid plastic card that includes a photo of the licensed  
8 plumber printed directly on the card.

9 A person once licensed as a plumber under the provisions of  
10 this Act shall not be relicensed except by renewal or  
11 restoration of such license as provided in this Act.

12 An applicant who is 21 years of age or older seeking a  
13 religious exemption to the photo requirement of this Section  
14 shall furnish with his or her application an approved copy of  
15 United States Department of the Treasury Internal Revenue  
16 Service Form 4029. Regardless of age, an applicant seeking a  
17 religious exemption to this photo requirement shall submit  
18 fingerprints in a form and manner prescribed by the Department  
19 with his or her application in lieu of a photo.

20 (Source: P.A. 97-1137, eff. 6-1-13.)

21 (225 ILCS 320/16) (from Ch. 111, par. 1115)

22 Sec. 16. (1) Any city, village or incorporated town, having  
23 a population of 500,000 or more may, by an ordinance containing  
24 provisions substantially the same as those in this Act and  
25 specifying educational or experience requirements equivalent

1 to those prescribed in this Act, provide for a board of  
2 plumbing examiners to conduct examinations for, and to issue,  
3 suspend, or revoke, plumbers' licenses, within such city,  
4 village or incorporated town. Upon the enactment of such  
5 ordinance the provisions of this act shall not apply within any  
6 such municipality except as otherwise provided herein.

7 (2) Any person licensed as a plumber pursuant to such  
8 ordinance, or licensed by the Department under this Act, may  
9 engage in plumbing anywhere in this State.

10 (3) Any board of plumbing examiners created pursuant to  
11 this Section shall maintain a current record similar to that  
12 required of the Director by Section 8 of this Act, and shall  
13 provide the Department with a copy thereof. The Department  
14 shall be advised of changes in such record at least every six  
15 months.

16 (4) In the event that the plumbing contractor's license is  
17 suspended or revoked by any city, village, or incorporated  
18 town, having a population of 500,000 or more, the city,  
19 village, or incorporated town shall notify the Department.

20 (5) Any city, village, or incorporated town having a  
21 population of 500,000 or more that licenses an individual as a  
22 plumber shall provide a license composed of a solid plastic  
23 card that includes a photo of the licensed plumber printed  
24 directly on the card. An applicant who is 21 years of age or  
25 older seeking a religious exemption to the photo requirement of  
26 this subsection shall furnish with his or her application an

1 approved copy of United States Department of the Treasury  
2 Internal Revenue Service Form 4029. Regardless of age, an  
3 applicant seeking a religious exemption to this photo  
4 requirement shall submit fingerprints in a form and manner  
5 prescribed by the city, village, or incorporated town with his  
6 or her application in lieu of a photo.

7 (Source: P.A. 97-365, eff. 1-1-12; 97-1137, eff. 6-1-13.)

8 Section 25. The Collateral Recovery Act is amended by  
9 changing Sections 35, 40, and 45 as follows:

10 (225 ILCS 422/35)

11 (Section scheduled to be repealed on January 1, 2022)

12 Sec. 35. Application for repossession agency licensure.

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

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

1 number, street, and city, and (vi) the usual business hours  
2 that the agency shall maintain.

3 (c) No license may be issued (i) in any fictitious name  
4 that may be confused with or is similar to any federal, state,  
5 county, or municipal government function or agency, (ii) in any  
6 name that may tend to describe any business function or  
7 enterprise not actually engaged in by the applicant, (iii) in  
8 any name that is the same as or similar to any existing  
9 licensed company and that would tend to deceive the public,  
10 (iv) in any name that would tend to be deceptive or misleading,  
11 or (v) to any repossession agency applicant without that  
12 agency's location or branch office location maintaining a  
13 secured storage facility as defined in Section 10 of this Act.

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

22 (e) If the applicant for repossession agency licensure is a  
23 partnership, then the application shall include (i) a statement  
24 of the names and full residential addresses of all partners in  
25 the business and (ii) a sworn statement signed by each partner  
26 verifying the name of the person who is a licensed recovery

1 manager and shall be in control or management of the business.  
2 If a licensed recovery manager who is not a partner shall be in  
3 control or management of the agency, then he or she must also  
4 sign the sworn statement. The application shall also state  
5 whether any of the partners has ever used an alias.

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

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



1           (h) Each individual, partner of a partnership, officer of a  
2 corporation, or member of a limited liability company shall  
3 submit with the application a copy of one form of personal  
4 identification upon which must appear a photograph taken within  
5 one year immediately preceding the date of the filing of the  
6 application. An applicant who is 21 years of age or older  
7 seeking a religious exemption to the photograph requirement of  
8 this subsection shall furnish with the application an approved  
9 copy of United States Department of the Treasury Internal  
10 Revenue Service Form 4029. Regardless of age, an applicant  
11 seeking a religious exemption to this photograph requirement  
12 shall submit fingerprints in a form and manner prescribed by  
13 the Commission with his or her application in lieu of a  
14 photograph.

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

17           (j) The Commission may require any additional information  
18 that, in the judgment of the Commission, shall enable the  
19 Commission to determine the qualifications of the applicant for  
20 licensure.

21           (k) Applicants have 90 days from the date of application to  
22 complete the application process. If the application has not  
23 been completed within 90 days, then the application shall be  
24 denied, the fee shall be forfeited, and the applicant must  
25 reapply and meet the requirements in effect at the time of  
26 reapplication.

1           (1) Nothing in this Section precludes a domestic or foreign  
2 limited liability company being licensed as a repossession  
3 agency.

4           (m) A repossession agency license may be transferable upon  
5 prior notice to the Commission and upon completion of all  
6 requirements relative to the application process for  
7 repossession agency licensure.

8           (n) Repossessions performed in this State must be performed  
9 by repossession agencies, their employees, or agents licensed  
10 by the Commission, with the exception of financial institutions  
11 or the employees of a financial institution that are exempt  
12 under subsection (d) of Section 30 of this Act.

13           (Source: P.A. 97-576, eff. 7-1-12.)

14           (225 ILCS 422/40)

15           (Section scheduled to be repealed on January 1, 2022)

16           Sec. 40. Qualifications for recovery manager;  
17 identification card.

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

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

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

24                 (3) Has completed no less than 2,500 hours of actual  
25 compensated collateral recovery work as an employee of a

1           repossession agency, a financial institution, or a vehicle  
2           dealer within the 5 years immediately preceding the filing  
3           of an application, acceptable proof of which must be  
4           submitted to the Commission.

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

10          (5) Has successfully completed a certification program  
11          approved by the Commission.

12          (6) Has paid the required application fees.

13          (b) Upon the issuance of a recovery manager license, the  
14          Commission shall issue the license holder a suitable pocket  
15          identification card that shall include a photograph of the  
16          license holder. The identification card must contain the name  
17          of the license holder and any other information required by the  
18          Commission. An applicant who is 21 years of age or older  
19          seeking a religious exemption to the photograph requirement of  
20          this subsection shall furnish with his or her application an  
21          approved copy of United States Department of the Treasury  
22          Internal Revenue Service Form 4029.

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

24          (Source: P.A. 97-576, eff. 7-1-12.)

25                   (225 ILCS 422/45)

1 (Section scheduled to be repealed on January 1, 2022)

2 Sec. 45. Repossession agency employee requirements.

3 (a) All employees of a licensed repossession agency whose  
4 duties include the actual repossession of collateral must apply  
5 for a recovery permit. The holder of a repossession agency  
6 license issued under this Act, known in this Section as the  
7 "employer", may employ in the conduct of the business under the  
8 following provisions:

9 (1) No person may be issued a recovery permit who meets  
10 any of the following criteria:

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

12 (B) Has been determined by the Commission to be  
13 unfit by reason of conviction of an offense in this or  
14 another state, other than a minor traffic offense. The  
15 Commission shall adopt rules for making those  
16 determinations.

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

19 (D) Has not successfully completed a certification  
20 program approved by the Commission.

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

26 (A) The person's full name, age, and residence

1 address.

2 (B) The business or occupation engaged in for the 5  
3 years immediately before the date of the execution of  
4 the statement, the place where the business or  
5 occupation was engaged in, and the names of the  
6 employers, if any.

7 (C) That the person has not had a license or  
8 recovery permit denied, revoked, or suspended under  
9 this Act.

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

12 (E) Any other information as may be required by any  
13 rule of the Commission to show the good character,  
14 competency, and integrity of the person executing the  
15 statement.

16 (b) Each applicant for a recovery permit shall have his or  
17 her fingerprints submitted to the Commission by a Live Scan  
18 fingerprint vendor certified by the Illinois State Police under  
19 the Private Detective, Private Alarm, Private Security,  
20 Fingerprint Vendor, and Locksmith Act of 2004 in an electronic  
21 format that complies with the form and manner for requesting  
22 and furnishing criminal history record information as  
23 prescribed by the Illinois State Police. These fingerprints  
24 shall be checked against the Illinois State Police and Federal  
25 Bureau of Investigation criminal history record databases now  
26 and hereafter filed. The Commission shall charge applicants a

1 fee for conducting the criminal history records check, which  
2 shall not exceed the actual cost of the records check. The  
3 Illinois Commerce Commission Police shall furnish, pursuant to  
4 positive identification, records of Illinois convictions to  
5 the Commission. The Commission, in its discretion, may allow an  
6 applicant who does not have reasonable access to a designated  
7 vendor to provide his or her fingerprints in an alternative  
8 manner. The Commission, in its discretion, may also use other  
9 procedures in performing or obtaining criminal history records  
10 checks of applicants. Instead of submitting his or her  
11 fingerprints, an individual may submit proof that is  
12 satisfactory to the Commission that an equivalent security  
13 clearance has been conducted.

14 (c) Qualified applicants shall purchase a recovery permit  
15 from the Commission and in a form that the Commission  
16 prescribes. The Commission shall notify the submitting person  
17 within 10 days after receipt of the application of its intent  
18 to issue or deny the recovery permit. The holder of a recovery  
19 permit shall carry the recovery permit at all times while  
20 actually engaged in the performance of the duties of his or her  
21 employment. No recovery permit shall be effective unless  
22 accompanied by a license issued by the Commission. Expiration  
23 and requirements for renewal of recovery permits shall be  
24 established by rule of the Commission. Possession of a recovery  
25 permit does not in any way imply that the holder of the  
26 recovery permit is employed by any agency unless the recovery

1 permit is accompanied by the employee identification card  
2 required by subsection (e) of this Section.

3 (d) Each employer shall maintain a record of each employee  
4 that is accessible to the duly authorized representatives of  
5 the Commission. The record shall contain all of the following  
6 information:

7 (1) A photograph taken within 10 days after the date  
8 that the employee begins employment with the employer. The  
9 photograph shall be replaced with a current photograph  
10 every 3 calendar years.

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

13 (3) All correspondence or documents relating to the  
14 character and integrity of the employee received by the  
15 employer from any official source or law enforcement  
16 agency.

17 (4) In the case of former employees, the employee  
18 identification card of that person issued under subsection  
19 (e) of this Section.

20 (e) Every employer shall furnish an employee  
21 identification card to each of his or her employees. This  
22 subsection (e) shall not apply to office or clerical personnel.  
23 This employee identification card shall contain a recent  
24 photograph of the employee, the employee's name, the name and  
25 agency license number of the employer, the employee's personal  
26 description, the signature of the employer, the signature of

1 that employee, the date of issuance, and an employee  
2 identification card number.

3 (f) No employer may issue an employee identification card  
4 to any person who is not employed by the employer in accordance  
5 with this Section or falsely state or represent that a person  
6 is or has been in his or her employ. It is unlawful for an  
7 applicant for registration to file with the Commission the  
8 fingerprints of a person other than himself or herself or to  
9 fail to exercise due diligence in resubmitting replacement  
10 fingerprints for those employees who have had original  
11 fingerprint submissions returned as unclassifiable. An agency  
12 shall inform the Commission within 15 days after contracting or  
13 employing a licensed repossession agency employee. The  
14 Commission shall develop a registration process by rule.

15 (g) Every employer shall obtain the identification card of  
16 every employee who terminates employment with the employer. An  
17 employer shall immediately report an identification card that  
18 is lost or stolen to the local police department having  
19 jurisdiction over the repossession agency location.

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

23 (i) If information is discovered affecting the  
24 registration of a person whose fingerprints were submitted  
25 under this Section, then the Commission shall so notify the  
26 agency that submitted the fingerprints on behalf of that



1 person.

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

7 (k) This Section applies only to those employees of  
8 licensed repossession agencies whose duties include actual  
9 repossession of collateral.

10 (l) An applicant who is 21 years of age or older seeking a  
11 religious exemption to the photograph requirement of this  
12 Section shall furnish with his or her application an approved  
13 copy of United States Department of the Treasury Internal  
14 Revenue Service Form 4029. Regardless of age, an applicant  
15 seeking a religious exemption to this photograph requirement  
16 shall submit fingerprints in a form and manner prescribed by  
17 the Commission with his or her application in lieu of a  
18 photograph.

19 (Source: P.A. 97-576, eff. 7-1-12.)

20 Section 30. The Private Detective, Private Alarm, Private  
21 Security, Fingerprint Vendor, and Locksmith Act of 2004 is  
22 amended by changing Section 35-30 as follows:

23 (225 ILCS 447/35-30)

24 (Section scheduled to be repealed on January 1, 2024)

1           Sec. 35-30. Employee requirements. All employees of a  
2 licensed agency, other than those exempted, shall apply for a  
3 permanent employee registration card. The holder of an agency  
4 license issued under this Act, known in this Section as  
5 "employer", may employ in the conduct of his or her business  
6 employees under the following provisions:

7           (a) No person shall be issued a permanent employee  
8 registration card who:

9                 (1) Is younger than 18 years of age.

10                (2) Is younger than 21 years of age if the services  
11 will include being armed.

12                (3) Has been determined by the Department to be unfit  
13 by reason of conviction of an offense in this or another  
14 state, including registration as a sex offender, but not  
15 including a traffic offense. Persons convicted of felonies  
16 involving bodily harm, weapons, violence, or theft within  
17 the previous 10 years shall be presumed to be unfit for  
18 registration. The Department shall adopt rules for making  
19 those determinations that shall afford the applicant due  
20 process of law.

21                (4) Has had a license or permanent employee  
22 registration card denied, suspended, or revoked under this  
23 Act (i) within one year before the date the person's  
24 application for permanent employee registration card is  
25 received by the Department; and (ii) that refusal, denial,  
26 suspension, or revocation was based on any provision of

1           this Act other than Section 40-50, item (6) or (8) of  
2           subsection (a) of Section 15-10, subsection (b) of Section  
3           15-10, item (6) or (8) of subsection (a) of Section 20-10,  
4           subsection (b) of Section 20-10, item (6) or (8) of  
5           subsection (a) of Section 25-10, subsection (b) of Section  
6           25-10, item (7) of subsection (a) of Section 30-10,  
7           subsection (b) of Section 30-10, or Section 10-40.

8           (5) Has been declared incompetent by any court of  
9           competent jurisdiction by reason of mental disease or  
10          defect and has not been restored.

11          (6) Has been dishonorably discharged from the armed  
12          services of the United States.

13          (b) No person may be employed by a private detective  
14          agency, private security contractor agency, private alarm  
15          contractor agency, fingerprint vendor agency, or locksmith  
16          agency under this Section until he or she has executed and  
17          furnished to the employer, on forms furnished by the  
18          Department, a verified statement to be known as "Employee's  
19          Statement" setting forth:

20               (1) The person's full name, age, and residence address.

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

25               (3) That the person has not had a license or employee  
26          registration denied, revoked, or suspended under this Act

1 (i) within one year before the date the person's  
2 application for permanent employee registration card is  
3 received by the Department; and (ii) that refusal, denial,  
4 suspension, or revocation was based on any provision of  
5 this Act other than Section 40-50, item (6) or (8) of  
6 subsection (a) of Section 15-10, subsection (b) of Section  
7 15-10, item (6) or (8) of subsection (a) of Section 20-10,  
8 subsection (b) of Section 20-10, item (6) or (8) of  
9 subsection (a) of Section 25-10, subsection (b) of Section  
10 25-10, item (7) of subsection (a) of Section 30-10,  
11 subsection (b) of Section 30-10, or Section 10-40.

12 (4) Any conviction of a felony or misdemeanor.

13 (5) Any declaration of incompetence by a court of  
14 competent jurisdiction that has not been restored.

15 (6) Any dishonorable discharge from the armed services  
16 of the United States.

17 (7) Any other information as may be required by any  
18 rule of the Department to show the good character,  
19 competency, and integrity of the person executing the  
20 statement.

21 (c) Each applicant for a permanent employee registration  
22 card shall have his or her fingerprints submitted to the  
23 Department of State Police in an electronic format that  
24 complies with the form and manner for requesting and furnishing  
25 criminal history record information as prescribed by the  
26 Department of State Police. These fingerprints shall be checked

1 against the Department of State Police and Federal Bureau of  
2 Investigation criminal history record databases now and  
3 hereafter filed. The Department of State Police shall charge  
4 applicants a fee for conducting the criminal history records  
5 check, which shall be deposited in the State Police Services  
6 Fund and shall not exceed the actual cost of the records check.  
7 The Department of State Police shall furnish, pursuant to  
8 positive identification, records of Illinois convictions to  
9 the Department. The Department may require applicants to pay a  
10 separate fingerprinting fee, either to the Department or  
11 directly to the vendor. The Department, in its discretion, may  
12 allow an applicant who does not have reasonable access to a  
13 designated vendor to provide his or her fingerprints in an  
14 alternative manner. The Department, in its discretion, may also  
15 use other procedures in performing or obtaining criminal  
16 background checks of applicants. Instead of submitting his or  
17 her fingerprints, an individual may submit proof that is  
18 satisfactory to the Department that an equivalent security  
19 clearance has been conducted. Also, an individual who has  
20 retired as a peace officer within 12 months of application may  
21 submit verification, on forms provided by the Department and  
22 signed by his or her employer, of his or her previous full-time  
23 employment as a peace officer.

24 (d) The Department shall issue a permanent employee  
25 registration card, in a form the Department prescribes, to all  
26 qualified applicants. The holder of a permanent employee

1 registration card shall carry the card at all times while  
2 actually engaged in the performance of the duties of his or her  
3 employment. Expiration and requirements for renewal of  
4 permanent employee registration cards shall be established by  
5 rule of the Department. Possession of a permanent employee  
6 registration card does not in any way imply that the holder of  
7 the card is employed by an agency unless the permanent employee  
8 registration card is accompanied by the employee  
9 identification card required by subsection (f) of this Section.

10 (e) Each employer shall maintain a record of each employee  
11 that is accessible to the duly authorized representatives of  
12 the Department. The record shall contain the following  
13 information:

14 (1) A photograph taken within 10 days of the date that  
15 the employee begins employment with the employer. The  
16 photograph shall be replaced with a current photograph  
17 every 3 calendar years.

18 (2) The Employee's Statement specified in subsection  
19 (b) of this Section.

20 (3) All correspondence or documents relating to the  
21 character and integrity of the employee received by the  
22 employer from any official source or law enforcement  
23 agency.

24 (4) In the case of former employees, the employee  
25 identification card of that person issued under subsection  
26 (f) of this Section. Each employee record shall duly note

1 if the employee is employed in an armed capacity. Armed  
2 employee files shall contain a copy of an active firearm  
3 owner's identification card and a copy of an active firearm  
4 control card. Each employer shall maintain a record for  
5 each armed employee of each instance in which the  
6 employee's weapon was discharged during the course of his  
7 or her professional duties or activities. The record shall  
8 be maintained on forms provided by the Department, a copy  
9 of which must be filed with the Department within 15 days  
10 of an instance. The record shall include the date and time  
11 of the occurrence, the circumstances involved in the  
12 occurrence, and any other information as the Department may  
13 require. Failure to provide this information to the  
14 Department or failure to maintain the record as a part of  
15 each armed employee's permanent file is grounds for  
16 disciplinary action. The Department, upon receipt of a  
17 report, shall have the authority to make any investigation  
18 it considers appropriate into any occurrence in which an  
19 employee's weapon was discharged and to take disciplinary  
20 action as may be appropriate.

21 (5) A copy of the employee's permanent employee  
22 registration card or a copy of the Department's "License  
23 Lookup" Webpage showing that the employee has been issued a  
24 valid permanent employee registration card by the  
25 Department.

26 The Department may, by rule, prescribe further record

1 requirements.

2 (f) Every employer shall furnish an employee  
3 identification card to each of his or her employees. This  
4 employee identification card shall contain a recent photograph  
5 of the employee, the employee's name, the name and agency  
6 license number of the employer, the employee's personal  
7 description, the signature of the employer, the signature of  
8 that employee, the date of issuance, and an employee  
9 identification card number.

10 (g) No employer may issue an employee identification card  
11 to any person who is not employed by the employer in accordance  
12 with this Section or falsely state or represent that a person  
13 is or has been in his or her employ. It is unlawful for an  
14 applicant for registered employment to file with the Department  
15 the fingerprints of a person other than himself or herself.

16 (h) Every employer shall obtain the identification card of  
17 every employee who terminates employment with him or her.

18 (i) Every employer shall maintain a separate roster of the  
19 names of all employees currently working in an armed capacity  
20 and submit the roster to the Department on request.

21 (j) No agency may employ any person to perform a licensed  
22 activity under this Act unless the person possesses a valid  
23 permanent employee registration card or a valid license under  
24 this Act, or is exempt pursuant to subsection (n).

25 (k) Notwithstanding the provisions of subsection (j), an  
26 agency may employ a person in a temporary capacity if all of



1 the following conditions are met:

2 (1) The agency completes in its entirety and submits to  
3 the Department an application for a permanent employee  
4 registration card, including the required fingerprint  
5 receipt and fees.

6 (2) The agency has verification from the Department  
7 that the applicant has no record of any criminal conviction  
8 pursuant to the criminal history check conducted by the  
9 Department of State Police. The agency shall maintain the  
10 verification of the results of the Department of State  
11 Police criminal history check as part of the employee  
12 record as required under subsection (e) of this Section.

13 (3) The agency exercises due diligence to ensure that  
14 the person is qualified under the requirements of the Act  
15 to be issued a permanent employee registration card.

16 (4) The agency maintains a separate roster of the names  
17 of all employees whose applications are currently pending  
18 with the Department and submits the roster to the  
19 Department on a monthly basis. Rosters are to be maintained  
20 by the agency for a period of at least 24 months.

21 An agency may employ only a permanent employee applicant  
22 for which it either submitted a permanent employee application  
23 and all required forms and fees or it confirms with the  
24 Department that a permanent employee application and all  
25 required forms and fees have been submitted by another agency,  
26 licensee or the permanent employee and all other requirements

1 of this Section are met.

2 The Department shall have the authority to revoke, without  
3 a hearing, the temporary authority of an individual to work  
4 upon receipt of Federal Bureau of Investigation fingerprint  
5 data or a report of another official authority indicating a  
6 criminal conviction. If the Department has not received a  
7 temporary employee's Federal Bureau of Investigation  
8 fingerprint data within 120 days of the date the Department  
9 received the Department of State Police fingerprint data, the  
10 Department may, at its discretion, revoke the employee's  
11 temporary authority to work with 15 days written notice to the  
12 individual and the employing agency.

13 An agency may not employ a person in a temporary capacity  
14 if it knows or reasonably should have known that the person has  
15 been convicted of a crime under the laws of this State, has  
16 been convicted in another state of any crime that is a crime  
17 under the laws of this State, has been convicted of any crime  
18 in a federal court, or has been posted as an unapproved  
19 applicant by the Department. Notice by the Department to the  
20 agency, via certified mail, personal delivery, electronic  
21 mail, or posting on the Department's Internet site accessible  
22 to the agency that the person has been convicted of a crime  
23 shall be deemed constructive knowledge of the conviction on the  
24 part of the agency. The Department may adopt rules to implement  
25 this subsection (k).

26 (1) No person may be employed under this Section in any

1 capacity if:

2 (1) the person, while so employed, is being paid by the  
3 United States or any political subdivision for the time so  
4 employed in addition to any payments he or she may receive  
5 from the employer; or

6 (2) the person wears any portion of his or her official  
7 uniform, emblem of authority, or equipment while so  
8 employed.

9 (m) If information is discovered affecting the  
10 registration of a person whose fingerprints were submitted  
11 under this Section, the Department shall so notify the agency  
12 that submitted the fingerprints on behalf of that person.

13 (n) Peace officers shall be exempt from the requirements of  
14 this Section relating to permanent employee registration  
15 cards. The agency shall remain responsible for any peace  
16 officer employed under this exemption, regardless of whether  
17 the peace officer is compensated as an employee or as an  
18 independent contractor and as further defined by rule.

19 (o) Persons who have no access to confidential or security  
20 information, who do not go to a client's or prospective  
21 client's residence or place of business, and who otherwise do  
22 not provide traditional security services are exempt from  
23 employee registration. Examples of exempt employees include,  
24 but are not limited to, employees working in the capacity of  
25 ushers, directors, ticket takers, cashiers, drivers, and  
26 reception personnel. Confidential or security information is

1 that which pertains to employee files, scheduling, client  
2 contracts, or technical security and alarm data.

3 (p) An applicant who is 21 years of age or older seeking a  
4 religious exemption to the photograph requirement of this  
5 Section shall furnish with the application an approved copy of  
6 United States Department of the Treasury Internal Revenue  
7 Service Form 4029. Regardless of age, an applicant seeking a  
8 religious exemption to this photograph requirement shall  
9 submit fingerprints in a form and manner prescribed by the  
10 Department with his or her application in lieu of a photograph.  
11 (Source: P.A. 98-253, eff. 8-9-13.)